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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

13 WRIT PETITION NO. 6921 OF 2024

BHIVA SHANKAR SONAWANE

VERSUS

THE COLLECTOR, JALGAON AND ANOTHER

....

Mr C. K. Shinde, Advocate for Petitioner;

Mr A. B. Girase, G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 22nd July, 2024

PER COURT:

1. The only prayer put forth by the Petitioner is below prayer clause (B), which reads as under :-

“B) By issue of writ of mandamus or any other appropriate writ or order, the respondent no.2 may kindly be directed to decide the pending proceedings bearing Application no. 08/2020, 10/2020 and 11/2020, within stipulated period.”

2. In Regular Civil Suit No.153/1985, the Petitioner succeeded in getting a partition decree dated 10/10/1986. He was held entitled to $33 \frac{3}{4}$ share in the land Gut No.470/2 of village

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Mehrun, admeasuring 65 Are. The Petitioner's biological brother filed Regular Civil Appeal No.387/1986. Having suffered an adverse order, he filed Second Appeal No.68/1998. The decree in favour of the Petitioner was confirmed. Regular Darkhast No.333/1999, was initiated by the Petitioner. The precept has been sent to the District Collector. The biological brother of the Petitioner has sold parcels of the N.A. Layout (plots) pendente-lite, to several purchasers and has created third party interest. The grievance of the Petitioner is that, even after almost 40 years, he is unable to get the fruits of the decree in his favour. He started the litigation at the age of 35 years and today, he is 75 years old. He reminds us of the old saying that "It is easy to get a decree and more difficult to get it executed".

3. Since there are several issues that have to be gone into by the District Collector, by dealing with such partition matters in order to settle the shares of the parties, we would direct the District Collector to ensure that, without any delay, the proceedings shall be taken forward and shall culminate in the demarcation of the shares of the parties, as expeditiously as

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possible. We further record that, if the Petitioner has any further grievance about any of the stages in the proceedings before the District Collector, based on the preliminary decree, he would be at liberty to approach the Executing Court for considering his grievance and for further orders.

4. In view of the above, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk