



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 6278 OF 2024

(Mr. Chiranjilal s/o Jagannath Purohit and ors Vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.V. Sohoni, Advocate for petitioners.
Ms. T.H. Khan, AGP for respondent Nos. 1to 7/State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 12-03-2025

Mr. Sohoni, the learned Counsel for the petitioner, upon instructions, seeks to delete respondent No. 8. Statement is accepted. Respondent No. 8 be deleted from the array of respondents, forthwith.

2. Rule. Rule made returnable forthwith. Ms. Khan, the learned AGP waives notice for respondent Nos. 1 to 8.

3. The grievance of the petitioner, is that a decree passed in Regular Civil Suit No. 28/1960 dated 4.1.1961(p64)[which arose out of Civil Suit 178-A of 1957 decided on 30.11.1959] which has been confirmed in Second Appeal No. 146/1961 decided on 21.7.1967 (p65) and further confirmed in LPA 2/1973 decided on 2.7.1986(p98) was put to execution in Regular Darkhast No. 32/1979 in which a Precept was issued on 7.3.1981(p250) for partition of the agriculture field Survey No. 187/6 mouza-Malkapur has not as yet been executed, in spite of the fact, that measurement of said survey has already

been carried out by the District Inspector of Land Records on 30-31.5.1988 for the purpose of partition, demarcating the shares (p252). If the shares have already been demarcated in terms of the aforesaid measurement report, there is no rhyme or reason why the Precept has not been fully effected by putting the parties in possession of the respective shares. In ***Periyammal (dead) thr. Lrs and ors Vs. V. Rajamani and Anr., 2025 SCC OnLine SC 507***, while deprecating this practice, directions have been issued for expeditious decision of all execution proceedings. We therefore, dispose of the present petition by directing the respondent No. 3, to ensure enforcement and implementation of the Precept by putting the decree holder and the judgment debtor in actual physical possession of the respective shares as de-marked in the map dated 30-31.5.1988, if there is no other impediment in law, within a period of four weeks, from the date on which the copy of this order is placed before respondent No. 3 which shall be the obligation of the petitioners.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)