



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

**CIVIL APPLN. (O) NO. 414 OF 2025 (FOR LEAVE)
IN
M.C.A. ST. NO. 8865 OF 2025 (REVIEW)
IN
WRIT PETITION NO. 6278 OF 2024 (D)**

**Mr.Chiranjilal s/o Jagannath Purohit (Petitioner in WP
Dr.Ashok Shaligram Kabra and others (Applicants in Review)**

-Vs.-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

Mr. M.G.Bhangde, Sr.Adv. a/b Mr.M.G.Sarda, Adv.for the review
applicants.
Ms Tajwar Khan, AGP for the respondents-State.

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

DATE : 21ST APRIL, 2025

Heard Mr. Bhangde, learned senior counsel for the
review applicants.

2. The application bearing Civil Application (O)
No.414 of 2025 seeking leave to file review application is
granted. The application stands disposed of.

3. The application bearing Misc.Civil Application (St.)
No.8865 of 2025 seeks review of the order dated
12/03/2025, by which Writ Petition No.6278 of 2024 has
been disposed of, in view of the statement made by the
learned counsel for the petitioner, that the shares of all the

persons, who had been allotted shares, in the original decree, have been determined. Mr.Bhangde, learned senior counsel for the review applicant, by inviting our attention, to the copy of decree in First Appeal No.69-B/2021, dated 22/04/2025, by which, the Division Bench of this Court had declared, that the members of the family of Late K.B.Badiuldin for entitle to separate property, points out that the list of shares annexed thereto, indicates that one Moinuddin has been granted share as indicated against his name in the tin-ismi lands to the extent of 7/72 whose legal heirs namely Bashiroddin, Khawja Mohammad and one more have sold the portion of that share to the review applicant. He further invites our attention to the measurement report dated 31/05/1988 (Pg.252), to contend that the shares of all the persons, who were granted such shares, have not been demarcated and therefore, the statement made by the learned counsel for the petitioner on the basis of which the aforesaid writ petition came to be disposed of, is incorrect.

3. A perusal of the decree dated 22/04/2025, in First Appeal No.69-B/2021, indicates that Moinuddin has been granted a share. The measurement report also indicates, that only one area has been demarcated by the letters 'ABCD' therein. It is a trite position that if the partition is directed to be effected, the shares of all the persons, who have been granted shares therein, will have to be demarcated. Since the measurement report dated 30/05/1988 does not indicate so, issue notice to the parties in Writ Petition No.6278 of 2024, returnable on

07/05/2025. Till that time, by an *ad interim* order, the execution of the Precept shall stand stayed.

4. Learned AGP Ms Khan waives service of notice for the respondent Nos.1 to 7 and 9 and shall intimate this order to the respondent No.4.

(ABHAY J. MANTRI,J) (AVINASH G. GHAROTE, J)