

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 384 OF 2026

Rama Tukaram Aarerao Deceased Thr Lrs Dagdu Rama Aarerao
VERSUS
Vishwanath Linguram Aarerao Deceased Thr Lrs Jankabai Vishwanath
Aarerao And Others

...
Advocate for the Petitioner : Mr. Mhase Madhaveswari S.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 12, 2026

PER COURT :-

1. Heard.
2. Present writ petition seeks to challenge order dated 06.10.2025 passed by the Civil Judge, Junior Division, Nilanga below Exhibit-105 in R.D. No.30 of 2009. The petitioner is judgment debtor in R.D. No.30 of 2009. The decree passed in R.C.S. No.85 of 1982 dated 29.08.1992 is subject matter of execution. As per decree, the petitioner/defendant is directed to deliver possession of 38 Gunthas of land from Survey No.20 of Village Gour. On 16.09.2010, the measurement has been caused through TILR. The 38 R land has been carved out. However, the delivery of possession is obstructed by the petitioner/judgment debtor. In the aforesaid background, the respondent/decreed holder filed an application below Exhibit-105 seeking police protection in execution of decree. The Trial Court allowed the application and directed the police station officer to

provide necessary police aid to the decree holder at the time of handing over the possession.

3. Ms. Madhaveshwari S. Mhase, learned advocate appearing for petitioner submits that on 19.05.2022, the measurement of entire survey number was caused. The measurement map would depict that although as per 7/12 extract the area of Survey No.20 is 8 H 57 R, actual area available is 7 H 82 R only. As such, 75 R land is less than the area shown in the record of rights. She would therefore urge that land is not available for execution of decree. Hence, Trial Court could not have enforced execution by granting police aid.

4. Perusal of the decree passed in suit shows that suit was instituted for possession of 38 R land out of Survey No.20. The Court relying upon the measurement map that was admitted on record of suit, passed decree in favour of respondent/plaintiff for possession of 38 R land from Survey No.20/A which is now converted to Gat No.68. In this background, even assuming that area of original Survey No.20 is not as per the record, there would be no impediment to execute decree on the basis of map which was part and parcel of the suit. If the judgment debtor is aggrieved by the incorrect record, he is at liberty to move the appropriate authority for correction of the same. However, that cannot be taken as impediment for execution of decree for possession of 38 R land. In that contingency, if petitioner caused

obstruction in execution of decree, Executing Court is justified in providing police aid.

5. In that view of the matter, no merit is found in writ petition. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)