

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1951 OF 2026

Anandibai Nivrutti Kinhale and ors. ...Petitioners

Versus

Anjanabai Krushna Kinhale and ors. ...Respondents

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Mr. Pandit Kasar, for the Petitioners.

Mr. Nitin Gaware Patil, a/w Divyesh Jain, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED: 25th FEBRUARY, 2026

Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 30th October, 2025 passed by the Executing Court in Regular Darkhast No.9/1983.
3. Mr. Kasar, the learned Counsel for the petitioners, made an endeavour to persuade the Court to hold that the decree is sought to be executed by directing the division of properties beyond the scope of the decree passed by the Court in RCS/143/1975. Attention of the Court was invited to the description of the property in paragraph 1A of the plaint, especially to the fact that the suit was in respect of ½ portion of the land bearing Gat Nos.600, 1061 and 1349 situated at Mauje

Mandki, Taluka Purandar. It was urged that the decree is sought to be executed in respect of the entire Gat numbers and not the ½ share therein.

4. The aforesaid submission is factually incorrect and against the express terms of the decree. The impugned order refers to the division of the properties describes in paragraphs 1B and 1C of the plaint. While paragraph 1A describes the agricultural lands in respect of which suit was instituted, paragraphs 1B and 1C of the plaint describe the house properties. The submission that the decree is sought to be executed in respect of the property which does not form the part of the decree, therefore, does not deserve to be countenanced, as the decree for partition of house properties is being executed by appointing the Court Commissioner. The order passed by the learned Civil Judge on the application (Exhibit-270) dated 5th July, 2025, whereby the Court Commissioner was appointed to partition the suit properties described in paragraphs 1B and 1C of the plaint, makes the position explicitly clear.

5. Mr. Gaware Patil, the learned Counsel for the respondents, submitted that the instant petition is one of the numerous attempts to delay and defeat the execution of the decree since execution petition was filed in the year 1984.

6. The Court refrains from making any observations with regard to the hindrances sought to be put in the execution of the decree. But the very fact that the execution petition filed in the year 1984 is yet to be disposed of speaks volumes. The learned Civil Judge is requested to make a concerted effort to execute the decree in RCS/143/1975 as expeditiously as possible.

7. The petition stands dismissed with costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Pune, within a period of two weeks.

[N. J. JAMADAR, J.]