



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

CIVIL REVISION APPLICATION NO. 116 OF 2025

(SADAN S/O KISAN DESHMUKH AND OTHERS

VS

MADAN S/O KISAN DESHMUKH AND OTHERS)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. K.S. Motwani, Advocate for applicants.
Ms. E.M. Wadolkar, Advocate for respondents.

CORAM : ROHIT W. JOSHI, J.
DATED : FEBRUARY 27, 2026

1) The suit filed by the revision petitioners for partition and separate possession and for enforcement of right of pre-emption being R.C.S.No.17/2006 was decreed by the learned Civil Judge Junior Division, Mohadi, District Bhandara vide judgment and decree dated 17/11/2016. However, in the precept sent to the Collector for partition of suit properties which are agricultural lands, the total area of the suit property is mentioned as 0.29 HR as against 0.59 HR (Gat No.371 - 0.50 HR and Gat No.370/1 - 0.09 HR). In view of this, an application under Section 152 of the Code of Civil Procedure was filed vide M.J.C.No.45/2024. The learned trial Court has rejected the said application vide order dated 31/07/2025. This order is assailed in the present revision application.

2) The respondents who are the original defendants have filed a pursis dated 18/12/2025 signed by the respondents and also their learned counsel. It is stated in the pursis that the respondents/original defendants have no objection for correction of the decree as prayed by the applicants/original plaintiffs.

- 3) In view of above, Civil Revision Application is allowed. The order dated 31/07/2025 passed by the learned Civil Judge, Junior Division, Mohadi, District Bhandara in M.J.C. No.45/2024 is quashed and set aside.
- 4) M.J.C.No.45/2024 is allowed by correcting the area of the suit properties as, 0.50 HR for Gat No.371 and 0.9 HR for Gat No.370/1.

(ROHIT W. JOSHI, J.)