

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4837 OF 2016

Shamsundar Balwantrao Patil

...PETITIONER

versus

The Regional Manager Maharashtra
State Financial Corporation Aurangabad
and others

...RESPONDENTS

.....
Mr. C.D. Biradar, Advocate for petitioner
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 29th APRIL, 2016.

Order :-

1. The petitioner assails notice under section 29 of the State Financial Corporation Act, 1951 which is issued in the year 2011. It is submitted that the petitioner had filed a suit for injunction. In said suit, the Plaint is rejected. Appeal filed against rejection of plaint is also dismissed. It appears that no second appeal is filed. The petitioner claims share in the mortgage property i.e. the property mortgaged by respondent No. 2.

2. In writ jurisdiction we cannot decide as to whether the property is ancestral or self acquired property of respondent No. 2. Said property is mortgaged with respondent No. 1. Pursuant to which notice under section 29 of the Act of 1951 is issued. Dispute of ownership is disputed question of fact, it would not be open for this court in exercise

of its power under Article 226 of the Constitution of India to travel regarding dispute of ownership.

3. In the light of that, writ petition is disposed of. The petitioner is at liberty to avail any other remedy as may be permissible in law. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK