

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

921 WRIT PETITION NO. 4755 OF 2017

SHIVHAR VAIJINATH LANDGE  
VERSUS  
SNEHA RAJKUMAR LANDGE AND OTHERS

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Advocate for Petitioners : Mr. Venjane Tukaram M.  
Advocate for Respondents 1 and 2 : Mr. P.P. More

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**CORAM : V. K. JADHAV, J.**  
**DATED : 13<sup>th</sup> MARCH, 2018**

**PER COURT:-**

1. Learned counsel for the respondents decree holders has raised preliminary objection that the writ petition is not maintainable and the petitioner has alternate remedy available under the provisions of Civil Procedure Code, 1908.

2. Learned counsel for the petitioner submits that the property is jointly owned and possessed by the petitioner alongwith his real brothers and as per the decree passed by the civil court, which has now attained finality, the charge of maintenance is created on undivided share of the properties held jointly by all brothers, including the present petitioner. On the basis of the application filed by the decree holders, the executing court has attached the entire property even though the property is undivided amongst the brothers interse.

3. The petitioner instead of filing objection petition under Order XXI Rule 99 of C.P.C, has directly approached this court by filing instant writ petition. The petitioner may avail the said remedy by filing objection and even if the said objection is decided, the appeal is also provided against the order passed by the executing Court before the District Court as if the decree.

4. In view of above, writ petition is disposed of. The petitioner is at liberty to approach the executing court by filing appropriate application under the relevant provisions of Civil Procedure Code 1908. Writ petition is accordingly disposed of.

**( V. K. JADHAV, J.)**

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