



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

910 WRIT PETITION NO. 10015 OF 2025

**MAYURI RAJI ALIAS RAJIV KHEDKAR
VERSUS
THE BULDHANA URBAN CO. OP. CREDIT SOCIETY
LTD., THR ITS AUTHORIZED OFFICER AND OTHERS**

...
Advocate for the Petitioner : Mr.Shrikant Kulkarni
Advocate for Respondent no.1 : Mr.S.V.Kurundkar h/f.
Mr.V.P.Deshmukh
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24.09.2025

P.C. :

1] Heard.

2] By the present Writ Petition, the petitioner challenges the order dated 07.02.2025 passed by the District Judge-2, Aurangabad in R.D.No. 540/2022 below Exh.25 wherein she seeks stay to the execution proceedings to the extent of 1/4th of her share in the property under attachment as she has 1/4th share in the property being a joint family property as mentioned in para no.2 of the application.

3] The learned counsel for the petitioner submits that the petitioner has filed an objection stating that her share in the suit property be excluded from the auction sale. The learned counsel further submits that independent suit is filed for partition of the joint family properties and she has 1/4th share in the suit property.

4] The trial Court has observed that the execution proceeding is pending since the year 2022 and that the properties are of mortgaged properties and the properties are self-acquired properties of the judgment debtor. It is further observed that the judgment debtor no.4 is having properties shown at Sr.Nos. 12 to 18 and therefore even though the properties at Sr. Nos. 1 to 11 are sold in auction sale, still the objector can get her share in the properties at Sr. Nos.12 to 18, as disclosed by her in this application itself. As such, the trial Court has rejected the application filed by the petitioner holding that it is not necessary to keep aside 1/4th share of objector from the auction sale. *Prima facie*, the properties at Sr.Nos. 1 to 11 are the self

acquired properties of judgment debtor no.4. There is no material brought on record by the petitioner to show that these properties are the joint family properties, so also, the Executing Court has observed that properties at Sr.Nos. 12 to 18 are excluded from execution. If she succeeds and the properties at Sr. Nos. 12 to 18 are not sufficient to meet her claim, she is entitled to recover from the sale price received by the Bank. The present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC