



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

17 WRIT PETITION NO. 11863 OF 2025

**MANGALA PANNALAL MURKYA
VERSUS
OMPRAKASH JAGANNATHJI DAGA AND OTHERS**

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Mr. Amit A. Yadkikar, Advocate for the Petitioner

Mr. A. G. Joshi, Advocate for Respondent Nos. 5 and 6

Mr. S. R. Deshpande, Advocate for Respondent No.10

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06.10.2025

PER COURT :-

1. The petitioner / plaintiff has filed a suit for partition, claiming 1/24th share in the suit property. The petitioner had also filed application for injunction injunctioning the bank from alienating the mortgaged property, as the suit property are the joint family properties of the petitioner in which she has 1/24th share. The application for temporary injunction is dismissed by both the Courts below, as such the present writ petition is filed.

2. The learned counsel for the petitioner submits that he has 1/24th share in the property and that the original borrower

had no right to mortgage the entire property at least to the extent of her share in the property, and that she has right in the mortgaged property, which is joint family property. Both the Courts have concurrently dismissed the interim application on various grounds, on the basis of prima-facie finding that the joint family has other properties and the same are not made subject matter of the suit. I see no error in the impugned orders. The proceedings initiated by the respondents would be subject to final orders of the Civil Court as may be passed in accordance with law. I have not expressed anything on merits of the suit.

3. All contentions are kept open.
4. The writ petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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