



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 WRIT PETITION NO. 4434 OF 2025

POPATLAL MISHRILAL KOTHARI DIED THR LRS VIJAY POPATLAL KOTHARI
AND OTHERS

VERSUS

SAMTA NILESH KATARIYA AND ANOTHER

...

Mr. S. V. Dixit, Advocate for the Petitioner

Mr. A. A. Fulfagar, Advocate for Respondent No.1

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th JANUARY, 2026

P C. :-

1. This Writ Petition takes exception to the order dated 28.01.2025 passed by Civil Judge, Senior Division, Ahmednagar below Exhibit 15 in Special Darkhast No. 5 of 2023, whereby objection filed by Petitioners under Section 47 of Code of Civil Procedure has been rejected.

2. In a partition suit, the parties arrived at an amicable settlement. Accordingly, Spl. C. S. No. 251 of 2010 came to be disposed of as per consent terms filed by parties. Clause Nos. 5 and 6 of consent terms provide that Respondent No.1 is given shops situated at Raj Chambers, Ahmednagar and property at Jamkhed which is described in paragraph No.1 of plaint.

3. The execution of aforesaid decree was taken up in Spl. Darkhast

No. 5 of 2023 before Civil Judge, Senior Division at Ahmednagar. It appears that Petitioners have not disputed that property situated at Raj Chambers, Ahmednagar has been handed over to Respondent No.1. However, according to them, property situated at Jamkhed was not given to Respondent. However, record depicts that such contentions are contrary to the terms of compromise decree, hence cannot be accepted. The second objection was relating to territorial jurisdiction of Executing Court. It is contention of Petitioners that execution to the extent of property situated at Ahmednagar is complete. The decree is satisfied to that effect. Therefore, further execution in respect of house No.534/503 situated at Jamkhed, Dist. Ahmednagar cannot be continued at Ahmednagar.

4. The Executing Court has rejected objections by supplying adequate reasons. It is trite, if decree is passed in respect of multiple suit properties, execution proceeding can be taken up before any Court within whose jurisdiction one of property/properties forming subject matter of the decree is situated.

5. In that view of matter, there is no jurisdictional error in impugned order. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp