



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2115 OF 2026

Sau. Anita Ramesh Mathankar Vs. Vilas Vinayak Wasade

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.S. Bhalerao, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 11.03.2026

Heard learned counsel for the petitioner.

2. The petitioner has challenged the common order dated 07.01.2026 passed by the Executing Court on the applications for permission to file objections and objections to the execution proceeding at Exhibit 10 & 11.

3. The petitioner claims to be sister of the respondent. The respondent is a decree-holder, who has filed execution proceedings bearing LAC Execution No.79/2023 for execution of the award and recovery of the amount of compensation on account of acquisition of the land bearing Survey No.88/2 admeasuring, 1 Hectare 64 R, situated at village Hatwanjri, Tq. Maregaon, District – Yavatmal. In the pending execution proceedings, the petitioner filed an application along with an objection

contending that the she has also got a share in the property and the amount of compensation may not be released in favour of the respondent/decreed-holder.

4. Both these applications came to be rejected by the impugned order.

5. Learned counsel for the petitioner submits that the petitioner is the real sister of the respondent and is entitled to have share in the amount of compensation. He also submits that the petitioner has already filed a separate suit bearing RCS No.35/2019 before the Civil Court at Maregoan, Dist. Yavatmal, claiming partition and separate possession of the suit property. He therefore submits that the petitioner was entitled to raise objections in the execution proceedings to claim her share.

6. Perusal of the impugned order reveals that the Executing Court has elaborately dealt with the contentions of the petitioner and has observed that, since the petitioner has filed a separate civil suit bearing Regular Civil Suit No.35/2019, the entitlement of share could be decided even with respect to the amount of compensation in the said suit. The Executing Court has also recorded that the petitioner was not a party to the decree and since the Executing Court cannot go beyond the decree, the claim raised by the petitioner in the objection would

amount to deciding the rights of the parties, which is beyond the power of the Executing Court.

7. A perusal of the impugned order reveals that the Executing Court has recorded reasons which appear to be plausible, showing no perversity. The rights claimed by the petitioner of share in the property are not taken away and she is entitled to claim her share either in the property or in the amount of compensation.

8. In view of the above mentioned factual and legal aspects, no case is made out warranting interference under Article 227 of the Constitution of India. The writ petition is, therefore, dismissed. No order as to costs.

(Prafulla S. Khubalkar, J.)