



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

909 WRIT PETITION NO. 15132 OF 2025

Shantabai Bhanudas Aher
VERSUS
Ganpat Bajirao Ambhore And Others

...
Advocate for the Petitioner : Mr. Bhosale Vishwambhar Keshav
AGP for Respondents-State: Mr. K. B. Jadhavar
Advocate for Respondents 1, 2/A to 3/C, 4A, 5 to 11 : Mr. Mukul Kulkarni h/f
Mr. Ashutosh S. Kulkarni
...

CORAM : ARUN R. PEDNEKER, J.

Dated : December 17, 2025.

PER COURT :-

1. Heard.

2. The learned Counsel for the petitioner insists upon grant of a status quo order. It is demonstrated by the respondents that a notice of execution has been issued to the purchasers of the property and that the suit property was sold to the said purchasers in the year 2013. Consequent thereto, mutation entries were carried out, and the purchasers are in possession of the suit property. It is stated that the purchasers have also filed independent proceedings to protect their possession.

3. The genealogy is shown, wherein one of the sisters of the present petitioner had raised an objection under Order XLVII of the CPC, which was categorically rejected, and thereafter another application has been filed by the present petitioner. In the absence of any material to show that the petitioner is in possession of the suit property. No interim order of protection can be granted. The learned Counsel for the petitioner pointed out a

mutation entry made in her name after the demise of her father. However, it is seen that thereafter the name of the brother of the petitioner was entered pursuant to an application made by the mother of the petitioner. Further, the said brother sold the property, and the subsequent mutation entries reflecting the said transaction have been carried out, as reflected at page No.117.

4. *Prima facie*, no material is placed on record to show that the petitioner is in possession of the suit property. Absolutely no material is shown before the Court to demonstrate the petitioner's possession. Considering this aspect of the matter, at this stage, a status quo order cannot be granted.

5. Issue notice to the respondents, returnable on 23/01/2026. The learned AGP waives service of notice for the respondent-State.

(ARUN R. PEDNEKER, J.)

vj gawade/-.