

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

CIVIL APPLICATION O. NO.834/2016

IN

FAMILY COURT APPEAL NO.28/2016

Shri Babanrao s/o Marotrao Nibrad and another

...Versus...

Smt. Arundhati w/o Late Nilesh Nibard and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.Y. Deopujari, Advocate for appellants
Shri R.M. Pande, Advocate for respondents

**CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.**

DATE : 14.09.2016

We have heard the learned Counsel for the parties and we have perused the judgment of the family Court. We find that the appellant no.2 has withdrawn a sum of Rs.8,45,600/- towards the maturity of the insurance policies on the death of her son Nilesh. We also find that the appellant no.2 has received a sum of Rs.9,00,000/- after cancellation of the agreement for purchase of a flat in the joint name of the appellant no.2 and Nilesh. The deceased husband of the respondent no.1 was a software engineer and must have been earning a substantial amount towards his salary. Also, there is an agricultural land in the name of Nilesh. So also, the appellant no.2 is the owner and possessor of 25 acres of agricultural land and receives a sum of Rs.20,000/- towards pension.

In view of the aforesaid and for the reasons recorded in the impugned judgment of the family Court, we do not find that a case is made out by the appellants for staying the effect and operation of the judgment of the family Court during the pendency of the family court appeal. We, therefore, reject the prayer for staying the effect and operation of the judgment of the family Court.

The civil application stands disposed of accordingly.

JUDGE

JUDGE

Wadkar

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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