

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

Writ Petition No.694 of 2016  
(Vasantrao s/o Govindaji Padole and another v. Smt. Megha wd/o Amol  
Padole and another)

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

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Shri P.V. Vaidya, Advocate for Petitioners.

**Coram : R.K. Deshpande, J.**  
**Date : 9<sup>th</sup> February, 2016**

The challenge in this petition is to the order dated 2-5-2015 passed below Exhibit 80 in Special Civil Suit No.1315 of 2008 by the learned 5th Joint Civil Judge, Senior Division, Nagpur. The objections raised by the petitioners/defendants regarding jurisdiction of the Civil Court to entertain, try and decide the suit, and to return the plaint for presentation before the proper Court, have been rejected. The Civil Court has observed that the respondent No.1/plaintiff claims share in the death claims received from the LIC, which is purely based on her civil rights.

Shri Vaidya, the learned counsel appearing for the petitioners/defendants, has invited my attention to clause (c) of sub-section (1) of Section 7 of the Family Courts Act, 1984, which deals with a suit or proceeding to the parties to a marriage

with respect to the property of the parties or of either of them. The present suit does not raise any dispute between the parties to a marriage. The respondent No.1/plaintiff's suit is for recovery of money in respect of the LIC policies of her deceased son on the basis of her entitlement. Hence, no fault can be found with the order passed by the Trial Court.

Shri Vaidya for the petitioners/defendants has relied upon the following decisions :

- (1) **2003(4) Bom.C.R. 498,**  
*K.A. Abdul Jaleel v. T.A. Shahida.*
- (2) **AIR 2009 Kerala 138,**  
*Syamaladevi v. Sarala Devi & Ors.*

The aforesaid decisions relied upon are not applicable to the present case, for the reason that the disputes therein pertained between the spouses and their property.

The petition is dismissed.

Judge.

Lanjewar