

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3223 OF 2014

Sulochanabai w/o Prakash Karnavat,
age: 66 years, Occ: Household,
at present R/o Beauticians Town,
226, Golani Market, Jalgaon,
District Jalgaon.

Petitioner

Versus

01 Banubai Abdeali Bohari,
age: major, Occ: Household,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

02 Kausarali Abdeali Bohari,
age: major, Occ: Business,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

01 Banubai Abdeali Bohari,
age: major, Occ: Household,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

02 Kausarali Abdeali Bohari,
age: major, Occ: Business,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

03 Johar Abdeali Bohari,
age: major, Occ: Business,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

04 Abbas Abdeali Bohari,
age: major, Occ: Business,

R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

05 Juzar Abdeali Bohari,
age: major, Occ: Business,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

02 Aziz Abdeali Bohari,
age: major, Occ: Business,
R/o CTS No.4747-B,
Veer Savarkar Marg,
Dhule, District Dhule.

07 Prakash Babulal Karnavat,
(Dead), through legal heir:

7(a) Darshan Prakash Karnavat,
age: major, Occ: service,
R/o Dhule, District Dhule.

Respondents

Mr.V.T.Choudhari, advocate for the petitioner

Respondent No.1 is reported to be dead.

Mr.A.S.Yenegure, advocate holding for Mr.P.S.Patil, advocate for
Respondents No.2 to 6.

Mr.V.J.Dixit, Senior Counsel i/by Mr.S.V.Nyayadhish, advocate for
Respondent No.7(a).

CORAM : S.B.SHUKRE, J.

DATE : 02nd February, 2017

PER COURT:

01 Heard learned Counsel for the petitioner, learned
Counsel for Respondents No.2 to 6 and learned Senior Counsel
appearing for Respondent No.7(a). Respondent No.1 is reported to
be dead.

02 It has been pointed out by learned Senior Counsel appearing for Respondent No.7(a) that the original plaintiffs i.e. Respondents No.2 to 6 and original defendant i.e. Respondent No.7(a) have settled their dispute by arriving at a compromise and now that the original plaintiffs are no longer willing to prosecute the suit having received possession of tenanted premises by them.

03 It is the contention of learned Counsel for the petitioner and learned Senior Counsel for Respondent No.7(a) that because of the finding recorded by the trial Court in the impugned order that the petitioner is not legally wedded wife of deceased Prakash Karnavat, great prejudice has been caused to the petitioner, not only in the suit, but also in other matters.

04 On perusal of the impugned order, I find that there is no finding categorically recorded by the trial Court that the petitioner is not legally wedded wife of deceased Prakash. Then, there is also subsequent development, as pointed out by the learned Senior Counsel appearing for Respondent No.7(a).

05 In view of the subsequent development in this matter, I do not find that anything has survived in this petition and same deserves to be disposed of accordingly subject to the clarification that the impugned order dated 24.02.2014, passed by the learned trial Court below Exhibit-87 in R.C.S. No.255/2006, does not record any categorical finding that the petitioner was not legally wedded wife of deceased Prakash Karnavat and consequently it is further made clear that there shall have liberty to the petitioner to prosecute remedies available in law and in case she does so, she

would be entitled to prove her status as legally wedded wife of deceased Prakash Karnavat, without being influenced by the order impugned in this petition. It is made clear that all the contentions of rival parties are kept open.

06 Writ Petition stands disposed of accordingly. No costs.
 Pending Civil Applications do not survive and stand disposed of.

S.B.SHUKRE
JUDGE

adb/wp322314