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

CIVIL REVISION APPLICATION NO.108 OF 2017

Mangala w/o Ravindra Tayade,
Age : 45 years, Occup. Household,
R/o New Ambedkar Nagar,
R.P.D. Road, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon ..APPLICANT

VERSUS

1. Ravindra s/o Soma Tayade,
Age : 53 years, Occup. Service,
Campus Club, Chalis Bangla,
Bhusawal, Dist. Jalgaon
2. Nirmala w/o Ravindra Tayade,
Age : 50 years, Occup. Household,
R/o Quarter No.651, Gang No.14,
Bhusawal, Dist. Jalgaon
3. Pankaj s/o Ravindra Tayade,
Age : 28 years, Occup. Service,
R/o Quarter No.651, Gang No.14,
Bhusawal, Dist. Jalgaon
4. The General Manager,
Central Railway Zone,
C.S.T. Mumbai
5. The Divisional Railway Manager,
D.M.K. Office, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon ..RESPONDENTS

Ms Shaikh Afreen, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 10th July, 2017

ORAL ORDER

Heard learned Counsel appearing on behalf of the applicant.

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2. The applicant-original plaintiff filed Regular Civil Suit No.148 of 2014 praying therein attachment of the benefits, viz. Provident fund, gratuity, insurance and pension ,to the extent of half share of the applicant, being his legally wedded wife.

3. In the aforesaid suit, an application for injunction moved below Exh.6 came to be rejected vide order dated 19th January, 2016, which has been confirmed in appeal being Misc. Civil Appeal No.12 of 2016 preferred under the provisions of Order XLI, Rule 1 (r) of the Code of Civil Procedure by judgment and order dated 20th March, 2017. Thus, the present revision.

4. Learned Counsel appearing on behalf of the applicant submits that pursuant to the provisions of Section 125 of the Code of Criminal Procedure the applicant is getting maintenance of Rs.1,000/-, in execution whereof the salary of the respondent is already attached. She would then urge that respondent no.3 has executed a bond in favour of the applicant that he shall give appropriate share from his income and according to her, the same is not considered by the Courts below.

5. Having considered aforesaid submissions in the backdrop of the proceedings as are brought to my notice through the present application, it is required to be noted that the present applicant, in her capacity as wife, had filed Regular Civil Suit in the Court of the Civil Judge Junior Division being Regular Civil Suit No.104 of 2012 under the provisions of Hindu Adoptions and Maintenance Act, which came to be dismissed and against which no appeal is carried.

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6. The other proceedings being the proceedings under the Protection of Women from Domestic Violence Act bearing No.354 of 2010 has also suffered dismissal.

7. It is not in dispute that respondent no.3 had already a wife and in the aforesaid backdrop, the entitlement of applicant to the extent of half share from the retirement benefits of respondent no.3 is appreciated by the Courts below and answered in negative.

8. While recording such findings, particularly on the issue of attachment of the said benefits, the Courts below consistently held that the applicant has failed to establish her right, which findings are based on legal provisions and evidence.

9. In view thereof, no irregularity particularly in the matter of exercise of jurisdiction by the Courts below could be noticed. Civil Revision Application, therefore, fails and stands rejected.

(N.W. SAMBRE, J.)

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