

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO.7 OF 2020

JIJABAI KHANDOJI SAKHARE AND ANOTHER
VERSUS
CHANDU JALBA DAKE AND OTHERS

...
Advocate for Petitioners : Mr. Deshmukh Anand I.
...

CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 6th, 2020
...

PER COURT :-

1 The petitioners are assailing the order dated 12.11.2016 rendered by the Civil Judge, Junior Division, Loha, District: Nanded, whereby and where-under, the learned Judge recorded the compromise between the parties and decreed the suit in terms of the compromise.

2 The petitioners who claim to be the sisters of respondents No.1 and 2 Shri Chandu Jalba Dake and Shri Nagorao Jalba Dake are assailing the compromise decree *inter-alia* on the ground that the same is fraudulent.

3 The suit was brought for partition and separate possession. The petitioners claim to have share and interest in the suit property which is ancestral property.

4 I am afraid, in writ jurisdiction, it would be difficult to decide the disputed questions *inter-alia* the question whether fraud is practiced.

5 In any event, the petitioners were not party to the civil suit and would be free to urge that the compromise would not bind them. The petitioners also have other remedies which they can pursue more fruitfully.

6 Without intending to express any opinion on merits, I dismiss the petition, keeping every contention of the petitioner open.

(ROHIT BABAN DEO, J)