

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

**SECOND APPEAL NO. 535 OF 2022
WITH CA/11235/2022 IN SA/535/2022**

Sundrabai Tukaram Mule and Others ..APPELLANTS

VERSUS

Satyabhamabai Tukaram Mule ..RESPONDENT

....
Mr. R.K. Ashtekar, Advocate for appellants

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**CORAM : R.G. AVACHAT, J.
DATE : 23rd SEPTEMBER, 2022**

PER COURT :

1. Heard.

2. Tukaram was common ancestral. He married plaintiff – Satyabhamabai. Thereafter he married Sundrabai (Defendant No.1). Original Defendant Nos. 2 and 3 are his children born of the second marriage. On demise of Tukaram, his first wife - Satyabhamabai filed a suit for partition and separate possession of her share in the land inherited. The defendants came with a case that the plaintiff had stayed with Tukaram for a few months. She then left him for no return. It was averred in the written statement that a customary divorce took place between her and Tukaram.

3. Both the Courts below negatived the said claim. This Court has also gone through the reasons given by both the Courts below holding the defendants to have failed to make out a case of customary divorce between the original plaintiff – Satyabhamabai and her husband - Tukaram. This Court finds no reason to interfere therewith since no substantial question of law does arise therein.

4. In view of above, second appeal fails. Same is dismissed. In view of dismissal of second appeal nothing survives in the civil application. Same stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD