

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

913 WRIT PETITION NO.12562 OF 2021

**MAHANANDA GURUNATH NATKARE
VERSUS
APPARAO YADHAVRAO NATKARE AND OTHERS**

...
Advocate for Petitioner : Mr. Estling S. Murge

...
**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 08-09-2022

PC :

. Heard the learned advocate for the petitioner.

2. The petitioner is seeking to challenge the compromise decree arrived at amongst the respondents *inter se* in respect of a suit property, which according to her was exclusively owned by her husband, but, the compromise decree has been obtained by collusion and behind her back.

3. What is the status of the suit property is a pure question of fact, which cannot be determined in the present proceeding. Admittedly, the petitioner was not party to the suit in which the compromise has been arrived at and the decree will not bind her. She being not party to the suit, there is no prohibition for her to prosecute her own remedies by a separate suit.

4. Writ Petition is dismissed keeping open option to the petitioner to file appropriate suit.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE