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

SECOND APPEAL NO. 404 OF 2024

Dnyanoba @ Dnyaneshwar Maroti Bembade

....Appellant

VERSUS

Archana W/o Dnyanoba @dnyaneshwar Maroti Bembade

.....Respondent

.....

Advocate for Appellant : Mr. Patil Indrale Anand Vinayakrao

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 2nd DECEMBER, 2024.

P.C. :-

1. Heard Mr. Anand Patil, learned advocate for the appellant. He would submit that in Special Civil Suit No. 33 of 2008, a compromise decree was passed. Plaintiff/respondent relinquished her right to claim maintenance. However, in the present suit, she raised claim for maintenance against defendant, irrespective of relinquishment of her claim and consequential decree.

2. Mr. Patil would submit that, to show bonafides of the appellant, an amount of Rs. 2 Lakhs would be deposited in this court within a period of 4 weeks.

3. After taking this Court through reasoning adopted by Courts below, in the impugned judgment, Mr. Patil pressed into service the following substantial question of law :-

"Whether plaintiff is entitled to claim maintenance from defendant in view of the relinquishment of such right under compromise decree in previous suit in Special Civil Suit No. 33 of 2008 ?"

4. However, before framing aforesaid question of law, it would be appropriate that the respondent is granted opportunity to put up her stand on aforesaid aspect.

5. In that view of the matter, issue notice to respondent returnable 10th February, 2025, subject to condition that appellant deposits an amount of Rs. 2 Lakhs with the Registry of this Court within a period of four weeks.

6. Call for R. & P.

[S.G. CHAPALGAONKAR, J]

grt/-