



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 SECOND APPEAL NO. 259 OF 2014

SUBHASH KHEVRYA KALE
VERSUS
SEETABAI TUKARAM MAGAR AND ANR.

...
Advocate for Appellant : Mr. M A Kulkarni

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 14.10.2025

PER COURT :

Heard Mrs. Kulkarni.

2. Second Appeal is arising out of alternate findings of facts.
3. The appellant is the purchaser/original defendant no. 2 in Regular Civil Suit No. 113/1990 preferred by respondent no. 1. Respondent nos. 1 and 2 are husband and wife. There were matrimonial disputes and they were residing separately. It is alleged by respondent no. 1-plaintiff that she was being illtreated and no provision is made for maintenance, hence, she had filed a suit for maintenance and for imposing charge on the properties held by respondent no. 2-husband.
4. Suit was decreed on merits partly granting maintenance of Rs. 50/- per month, whereas relief against present appellant, who is purchaser was denied. The judgment and decree dated 27.12.1993 passed by the Trial Court was challenged in Regular Civil Appeal No. 56/1994 by the plaintiff himself. The appeal was partly allowed and suit was decreed by the Appellate Court vide judgment dated 27.07.2001. No enhancement was granted by the lower Appellate Court. Being aggrieved, present appeal is preferred.

5. The learned counsel for the appellant submits that there is a substantial question of law involved in the appeal. It is contended that both Courts below should have decreed the suit in its entirety.

6. I have gone through the judgment passed by the Courts below. Considering the evidence on record, findings of facts have been recorded by the Courts below. I do not find any perversity or patent illegality in those findings. Both Courts below have taken reasonable and plausible view of the matter. No substantial question of law is involved in this matter.

7. The Second Appeal is dismissed.

(SHAILESH P. BRAHME, J.)

mkd/-