



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

41 SECOND APPEAL NO. 62 OF 2014

SYED SULTAN SYED ABBAS ALI AND OTHERS
VERSUS
RUBEENA BEGUM ABDUL RASHEED

...

Advocate for Appellants : Mrs. Ansari A.N.

CORAM : SHAILESH P BRAHME, J.

DATE : 06.10.2025

PER COURT :

Heard Mrs. Ansari for the appellants. Concurrent findings of facts are solicited to be challenged by original plaintiffs when they are held to be unsuccessful in Special Civil Suit No. 25/2010.

2. The appellants filed Special Civil Suit No. 25/2010 for damages against the respondent, who was wife of appellant no. 3. Their marriage took place on 06.05.2007. There was matrimonial discord between the couple leading to various proceedings. The matter was settled and the couple opted for 'Khula' on 26.05.2008 and the marriage stood dissolved. Meantime, the applicants are required to undergo prosecution in Regular Criminal Case No. 1297/2008 for the offence punishable under Section 498A of the Indian Penal Code. They were acquitted by the Criminal Court on 27.08.2009. They claimed damages of Rs. 2,00,000/- for the malicious prosecution.

3. The Trial Court dismissed the suit. Being aggrieved, Regular Civil Appeal No. 112/2011 was filed, which was also dismissed. Both the Courts below have recorded concurrent findings in non suiting the appellants.

4. The learned counsel for the appellants submits that there are

substantial questions of law involved in the appeal. In view of acquittal and the conduct of the respondent, they are entitled to receive the damages. It is submitted that both Courts below have committed error of jurisdiction. The hardship and loss of reputation of the appellants have not been properly dealt with.

5. I have gone through both the judgments. The findings of facts recorded by both Courts below cannot be faulted with. After extending opportunity of hearing, the findings are recorded. I do not see any perversity or patent illegality in the decision arrived at by the Courts below. They have taken reasonable and plausible view. I find no substantial question of law involved in the appeal.

6. The Second Appeal is dismissed.

(SHAILESH P. BRAHME, J.)

mkd/-