



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8271 OF 2025
IN SA/290/2025

ASHISH RIZUMAL BAHARANI AND ORS
VERSUS
CHETNA MORANDMAL TANWANI

...
Advocate for Appellant : Mr. Yadkikar Amit Ashok
Advocate for Respondents : Mrs. Rekha Mohale Choudhari

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

DATE : 19.09.2025

PER COURT :

Heard both sides.

2. The second appeal is preferred against concurrent findings of facts in awarding compensation of Rs. 41,00,000/- to the respondent. Second Appeal is admitted by formulating substantial questions of law. The applicants are soliciting stay to the operation and execution of the decree passed by the Trial Court.

3. It is submitted that in the absence of any evidence, both the Courts below committed patent illegality in arriving at the compensation. The compensation under various heads referred in the judgment of the Trial Court are accepted as a gospel truth. Both the Courts below on conjecture and surmises arrived at the quantum and it would be unjust to make the applicants to pay the same at this juncture.

4. The application is contested by the respondent. It is contended that the respondent's entire life is ruined by the applicant No. 1 and his family members. The respondent is still unmarried and her sisters also suffered the

humiliation. It is submitted that the financial condition of the respondent is very precarious. She has not been received any damages from the applicants till this date.

5. I have considered the rival submissions of the parties. The second appeal is admitted by formulating substantial questions of law. It is a money decree and I am not inclined to grant blanket stay. *Prima facie* there is material to indicate that family members of the applicant No. 1 was aware of his disability. Still the marriage was contracted. At this juncture, it cannot be said that no loss is absolutely caused to the respondent. There are contentious issues involved in the second appeal. It would not be equitable to direct the applicants to deposit entire amount passed in the impugned judgment. However, ends of justice would be made in directing the appellants to deposit Rs. 20,00,000/- (Rs. Twenty Lakh only).

6. The Civil Application is allowed partly.

7. The execution and operation of the judgment and decree passed by the Civil Judge Senior Division in Regular Civil Suit No. 270/2010 on 20.01.2023 shall stand stayed on condition that the appellants shall deposit Rs. 20,00,000/- (Rs. Twenty Lakh only) within a period of six weeks in this Court.

8. On depositing the amount, the respondent shall be paid amount of Rs. 5,00,000/- (Rs. Five Lakh only). The balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-