



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

967 WRIT PETITION NO. 4482 OF 2023

BHAGYASHREE PRAVIN KULKARNI

VERSUS

PRAVIN MANOHARRAO KULKARNI

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Advocate for the Petitioner : Mr. Patil Hanmant V.
Advocate for Respondent/Sole Mr. Vasmatkar Amol G

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11.12.2025

PER COURT :

. Heard learned counsel respective sides.

2. The petitioner challenges the order dated 24.08.2022 passed below Exh.15 by Civil Judge Senior Division, Biloli in Special Civil Suit No.37 of 2022 whereby the compromise filed by the petitioner and defendant came to be rejected.

3. Learned counsel Mr. Patil submits that petitioner filed a suit for declaration against the respondent wherein, the compromise was arrived between them, who were husband and wife. In pursuance to said compromise, husband admitted wife's right over the suit property.

4. He further submits that a memorandum of partition was filed before the learned trial court wherein, sister of respondent/original defendant viz. Pratibha, was a party. The said memorandum of partition was executed when she was minor and therefore, the said memorandum of partition was voidable at her option. On that ground,

the compromise filed by petitioner and respondent came to be rejected.

5. Learned counsel for petitioner further submits that now sister of original defendant/respondent viz. Pratibha has also filed civil suit for partition and separate possession.

6. I have gone through the order passed by learned trial court and the memorandum of partition filed along with this petition. It clearly reveals that sister of respondent viz. Pratibha was minor at the time of executing the said memorandum of partition. The present Writ Petition can be disposed of by directing that the compromise entered between petitioner and respondent shall be subject to the outcome of both the suits.

6. In view thereof, the Writ Petition is allowed. The order dated 24.08.2022 passed below Exh.15 by Civil Judge Senior Division, Biloli in Special Civil Suit No.37 of 2022 is quashed and set-aside.

7. The petitioner is at liberty to file an application for clubbing both the suits together and if such application is filed the trial court to decide both the suits together.

8. The compromise shall be subject to the outcome of both the suits.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..