



E HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 5057 OF 2024

PRITI GANESH TELANG

VERSUS

DHAWAL GANESH TELANG

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. Aniket Rangari, Advocate appointed for the petitioner.
Mr. D. A. Sonawane, Advocate for the respondent
Mrs. H. N. Prabhu, A.G.P. for respondent nos.2 and 3.

CORAM : M. W. CHANDWANI, J.

DATE : FEBRUARY 03, 2026.

1. Heard Mr. Aniket Rangari, learned counsel appointed for the petitioner and Mr. D. A. Sonawane, learned counsel appearing on behalf of the respondent.

2. This petition challenges the order dated 26.12.2023 passed by Family Court no.2, Nagpur below application (Exh.45) in Petition No. RD-10 of 2019 whereby the objection raised by the respondent - legal heir of original respondent/Judgment Debtor Ganesh (for short "the father") about maintainability of the proceeding was upheld and the execution proceeding has been disposed of.

3. The petitioner herein is the stepsister of the respondent. The petitioner had filed Petition No.E-104/2007 against her father before the Family Court, Nagpur for grant of maintenance. In the said proceeding, an amount of Rs.600/- per month was granted to her

towards maintenance. Thereafter, she filed execution proceedings bearing Nos.C-35/2010, RD-3/2012 and ER-184/2013 against her father.

4. During pendency of the proceedings, the matter was amicably settled between the petitioner and her father and the consent terms were executed on 14.06.2013 whereby, the petitioner accepted the amount of Rs.3,00,000/- (Rupees Three lakhs) toward full and final settlement. Accordingly, the amount was paid to her by her father. The terms of settlement referred that her father and brother will obey the responsibility of her marriage and she will have right in the house property situated at Buddha Nagar, Indora.

5. The father of the petitioner died on 23.02.2015. Thereafter, the petitioner filed a case bearing No. RD/10/2019 arising out of petition bearing no. C-35/2010 (filed against her father) against her brother/ respondent wherein, an application for bringing legal heirs of deceased father on record was filed for execution of the order of maintenance. Accordingly, the respondent was brought on record.

6. The respondent filed an application (Exh.45) raising objection to the maintainability of the proceedings. The Family Court considered the objection raised by the respondent that he was not party to the consent terms executed between the petitioner and the deceased father.

The Family Court also recorded the admission by the deceased father in the consent terms that, he and the respondent shall obey to the responsibility of the marriage of the petitioner as and when it is settled. It is to be noted that the petitioner is getting family pension after death of her father. The Family Court has also considered that the dispute with regard to interest of the petitioner in the house property cannot be tried by the Family Court as it is a dispute between the brother and sister and accordingly, passed the impugned order dated 26.12.2023.

7. Thus, the Family Court has considered all the aspects raised by the petitioner before it. Once the matter is settled between the father and the petitioner and the father complied the terms, now again the petitioner cannot turn back and file execution proceeding that too against the brother, more particularly when he is ready to obey the terms agreed by his father. The impugned order passed by the Family Court is just and proper. There is no perversity in the same. The petition being devoid of merit, deserves to be dismissed. Accordingly, the petition stands disposed.

8. The High Court Legal Services Sub Committee, Nagpur shall quantify the fees of the learned counsel appointed to represent the petitioner as per the Rules and the same be paid to him.

(M.W.Chandwani, J.)

Diwale