

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6302 OF 2015  
WITH  
CIVIL APPLICATION NO.10629 OF 2015  
(Kailash Janaji Bade, through LR's Vs. The Divisional Controller,  
MSRTC, Ahmednagar)  
IN  
WRIT PETITION NO.279 OF 2007

Mr.D.A.Bide, Advocate for the applicants.  
Mr.Y.V.Kakade, Advocate for the applicants in CA No.10629/2015.  
Mr.Manoj Shinde h/f Mr.M.K.Goyanka, Advocate for the respondent.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/09/2015

PER COURT :

1. The original respondent/employee has passed away on 29/03/2014.
2. The applicant in the first civil application Shakuntalabai and the applicant in the second civil application Gayabai, claim to be the wives of the deceased Kailas Janaji Bade. By these two applications, both pray for being arrayed as legal heirs of the deceased Kailas Janaji alongwith Santosh Kailas and Sulbha Kailas, who claim to be the son and daughter of the deceased begotten from his wedlock with Gayabai.
3. Learned Advocate for the original petitioner MSRTC submits that the name of Gayabai alone has been mentioned by the deceased as his nominee in the records of the Corporation.

4. This dispute as to which amongst the two is the legally wedded wife of the deceased cannot be resolved in these proceedings. Nevertheless, if these civil applications are not allowed, the petition would stand abated as the sole respondent has passed away.

5. Considering the above, both these civil applications are allowed only to the extent of permitting the applicants in both these civil applications to prosecute the petition on behalf of the deceased respondent in WP No.279/2007.

6. It is made clear that by allowing these two applications, this Court has only facilitated a proper hearing on the writ petition and has not adjudicated upon the controversy as to which amongst the two can be said to be the legally wedded wife and to the extent of the claims being made by these applicants.

7. In the light of the above, these two applications are allowed. The petitioner/Corporation shall bring on record the applicants in both these applications forthwith.

( RAVINDRA V. GHUGE, J.)