

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO.302 OF 2013

Kunal s/o. Ramesh Shinde,
Age 17 years, occ. (Minor)
u/guardianship of Padminbai
w/o. Raghunath Pawar,
Age 66 years, occ. Household,
r/o. Tambri Vibhag, Osmanabad ..Applicant

Versus

Jyoti d/o. Ramesh Shinde,
age 22 years, occ. Household,
r/o. Osmanabad, Tq. and Dist.
Osmanabad, at present Yearmala,
Tq. Kallamb, Dist. Osmanabad ..Respondent

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Mr.M.U.Shelke, advocate for applicant

Mr.P.V.Suryawanshi, advocate for respondent - sole

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WITH
CIVIL APPLICATION NO.10264 OF 2014
IN
CIVIL REVISION APPLICATION NO.302 OF 2013

- 1] Jyoti d/o. Ramesh Shinde,
- 2] Ramesh s/o. Papa Shinde
Age 60 years, occ. Labour work
r/o. Yearmala, Tq. Kallamb,
Dist. Osmanabad ..Applicant

VERSUS

Kunal s/o. Ramesh Shinde,
Age 17 years, occ. (Minor)
u/guardianship of Padminbai
w/o. Raghunath Pawar,
Age 66 years, occ. Household,
r/o. Tambri Vibhag, Osmanabad ..Respondent

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Mr.P.V.Suryawanshi, advocate for applicants
Mr.M.U.Shelke, advocate for respondent - sole

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CORAM : M.T. JOSHI, J.**DATE : APRIL 23, 2015****ORAL JUDGMENT :**

Heard both sides.

2] Upon hearing both sides, it is found that the retirement benefits of the deceased are already withdrawn by the respondent. The issue, however, remains regarding the question as to, who would be entitled for the pension and for compassionate appointment as per the rules.

3] The present petitioner claims to be a real brother of the deceased. The respondent claims to be a daughter of Nanda Ramesh Shinde. Certain additional documents are sought to be filed by way of Civil Application, to show that the present applicant is not the real brother, but he is the cousin brother of the deceased.

4] In the circumstances, both sides submit that the matter can be remanded back to the trial Court for decision afresh, with liberty to file additional documents to both the sides.

5] Considering the controversy, in my view, the submissions of both sides are reasonable.

6] Hence, the following order :-

a] The impugned order is hereby quashed and set aside. The matter is remanded back to learned trial Judge. Learned trial Judge shall take

decision afresh in the matter, without being influenced by the observations of this Court.

b] Learned trial Judge shall allow both the parties to file documents and lead evidence afresh.

c] All the issues on facts as well as on law are kept open.

d] Both the parties to appear before the trial Court on 16th June, 2015.

e] Since the issue is pending since long, the learned trial Judge is directed to take efforts for expeditious decision in the matter.

f] The Civil Revision Application is disposed of in terms of the above order, without any order as to costs.

g] In view of disposal of the Civil Revision Application, Civil Application NO.10264 of 2014 does not survive and stands disposed of.

[M.T. JOSHI, J.]

kbp