

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.143 OF 2011
WITH
CIVIL APPLICATION NO. 348 OF 2011**

Anil Laxman Kulkarni & Ors. ... Appellants

V/s.

Smt.Indubai @ Ushabai Laxman
Kulkarni & Ors. ... Respondents

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Mr.R.M. Haridas a/w. Mr.Tushar Sonawane, Advocate for the
Appellants.
Mr.Tejas Dande, Advocate for Respondent No.1.

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CORAM : RAVI K. DESHPANDE, J.

DATED : JULY 7, 2015.

P.C.

The trial Court passed an order rejecting the Civil Misc. Application No.260 of 2002, filed under Section 372 of the Indian Succession Act for issuance of Succession Certificate. This decision of the trial Court delivered on 23rd April, 2010, was the subject matter of Civil Appeal No.88 of 2010, which has been allowed and the judgment and decree passed by the trial Court is modified holding that the appellants and respondent nos.3 to 5

are entitled to receive 1/4th share each in the amount of gratuity, provident fund and other service benefits, if any.

2 The learned counsel appearing for the appellants has submitted that the trial Court has after taking into consideration the evidence available on record, held that the original applicant Smt.Indubai was married with one Gulab Patil and during the subsistence of marriage the second marriage was performed with Laxman on 28th August, 1996. The Lower Appellate Court has taken into consideration this fact and the finding is recorded that there was no marriage performed as per law by the applicant with Gulab Patil, though, they lead the live-in relationship for a period of 12 to 13 days, thereafter they were separated. The learned counsel for the appellants could not point out the evidence on record to establish marriage of the applicant with said Gulab Patil. No substantial question of law arises. Second Appeal is dismissed.

3 At this stage, the learned counsel appearing for the appellants submits that the interim order granted by this Court on 11th March, 2011, be continued for further period of eight weeks. However, this is opposed and hence, it is rejected.

4 In view of the order passed in Second Appeal, Civil Application No.348 of 2011 is disposed of accordingly.

(RAVI K. DESHPANDE, J.)