

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5643 OF 2015

Smt.Sindhu Wd/o Arvind Kothekar

-vs-

The Divisional Railway Manager, Central Railway, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.B.B.Meshram, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.

DATE : 30.10.2015.

By this petition, the petitioner seeks a direction to the respondents to recover the share of the petitioner, as admissible to her as per law from the widow and children of her deceased son.

It is the case of the petitioner that the petitioner is the mother of Pravin, who died in harness while serving with the respondents-Railways. According to the petitioner, the retiral benefits to the tune of Rs.1,02,000/- have been paid to the woman, who claimed to be the wife of Pravin, without paying the amount, which falls to the share of the petitioner, who is the mother of deceased Pravin. It is stated that a direction needs to be issued to the respondents-Department to recover the amount that is due and payable to the petitioner from the woman, who claimed to be the wife of deceased Pravin.

It would not be possible for this Court to grant the relief sought by the petitioner, in exercise of the writ jurisdiction. The entire retiral dues of Late Pravin have been released by the respondents-Department in favour of the widow and other legal heirs of Pravin. A direction cannot be issued in writ jurisdiction to the respondents-Department to recover a part of the amount from the

legal heirs of Pravin and pay the amount that falls to the share of the petitioner, specially when the necessary parties are not joined. The petitioner is entitled to seek other remedies, if so advised.

In the circumstances of the case, the writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

KHUNTE