

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7243/2014.

Smt. Vanmala Haridas Bhujbal

-VERSUS-

The Collector, Yavatmal and others.

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

Court's or Judge's Orders

Shri R.S. Kurekar, Advocate for the petitioner.
Shri N.R. Patil, A.G.P. for the Respondent no. 1.
Shri D.A. Sonwane, Advocate for the Respondent no.2.
Shri M.P. Kariya, Advocate for the Respondent No.5.

CORAM : SMT.VASANTI A. NAIK
AND A.M. BADAR, JJ.

DATE : AUGUST 12, 2015.

By this petition, the petitioner seeks a direction to the respondent nos. 1 to 4 to release 50% of the family pension in favour of the petitioner.

The petitioner claims to be the second wife of Haridas, who was in the services of the respondent nos. 2 and 3, and expired while in service on 28.09.2014. Admittedly the petitioner claims to have been married to Haridas after 1956 i.e. after coming into force of the Hindu Marriage Act.

In such circumstances, it is rightly submitted on behalf of the respondents that the petitioner would not be entitled to seek pensionary and other benefits, as the marriage between the

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petitioner and Haridas would not be valid in view of the provisions of the Hindu Marriage Act. In the circumstances, the petitioner would not be entitled to claim 50% of the pensionary benefits on the death of Haridas.

It would be necessary to refer to the judgment of the Hon'ble Supreme Court reported at **AIR 2000 SC 735 (Rameshwari Devi .vs. State of Bihar and others)**, in this regard. It is held by the Hon'ble Supreme Court in the said reported judgment that the second wife is not entitled to family pension and the same would be admissible only to the minor children of the second wife, till they attain the age of majority.

For the reasons aforesaid, the Writ Petition is dismissed, with no order as to costs.

JUDGE

JUDGE

Rgd.