

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

912 WRIT PETITION NO. 345 OF 2015

SHEVANTABAI REVANSIDDHA GAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mukhedkar Amit A.
AGP for Respondent 1 : S.N. Kendre
Advocate for Respondent 2 : G.J. Kore
...

CORAM : T.V. NALAWADE, J.
DATED : 5th October, 2016.

ORDER :

1. The petition is filed to challenge the order made by the Reference Court, learned Civil Judge, Senior Division, Osmanabad in Land Acquisition Reference No. 69/2011. The proceeding filed by present petitioner under section 30 of the Land Acquisition Act is dismissed by holding that present petitioner is not entitled to get share in the compensation given by Acquiring Body.

2. The submissions made and the record show that it is the case of petitioner that deceased owner of the property was her husband and her marriage with the deceased had taken place 25 years prior to the date of acquisition (Prior to 2005). It is her case that as she is widow of owner, she is entitled to get

share in the property. Son of deceased contested the matter by contending that the deceased had already one wife and he was son from his first wife and the said wife of the deceased died in 1996. To substantiate aforesaid contentions, evidence was given by both the sides.

3. It is not disputed that the mother of Balu died in the year 1996 and prior to that, according to the petitioner, she had married with Revansiddha, father of Balu. Under Hindu Law, second wife is not entitled to get share in the property, which was ancestral property of father of Balu. In view of these circumstances, the Reference Court has dismissed the claim of the present petitioner. This Court sees no reason to interfere in the decision given by the Reference Court. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/