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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL REVISION APPLICATION NO.30 OF 2016
WITH
CIVIL APPLICATION NO.4086 OF 2015**

1. Snehal d/o Sitaram Chilkewar,
Age: 25 years, Occ: Household,
2. Sayali d/o Sitaram Chilkewar,
Age: 23 years, Occ: Household,
3. Tushar d/o Sitaram Chilkewar,
Age: 21 years, Occ: Education,
4. Shashikala w/o Sitaram Chilkewar,
Age: 67 years, Occ: Household

All R/o Shaharpeth, near Datta
Mandir, Basmath, Tq. Basmath,
Dist. Hingoli.

..APPLICANT

VERSUS

Nirmala w/o Sitaram Chilkewar,
Age: 41 years, Occ: Household,
R/o. Powerloom Basmath,
Tq. Basmath, Dist. Hingoli.

..RESPONDENT

Mr G.K. Thigale (Naik), Advocate for applicants;
Mr P.R. Katneshwarkar, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th JULY, 2017

ORAL ORDER :

These proceedings are taken out by the

(2)

applicants claiming appropriate relief for managing the property of late Sitaram, who died on 25th April, 2011 pursuant to the provisions of clause-2 and 8 of Bombay Regulation (VIII) of 1827.

2. The factual matrix, which is necessary for deciding present application, are as under :

Sitaram inherited the property from Tulshiram and was blessed with present applicants as his legal heirs born out of his marriage with Aruna. Aruna died on 5th June, 1999. It is then claimed that deceased Sitaram claimed to have married to respondent-Nirmala on 11th March, 2001 i.e. after death of his wife Aruna. It is also claimed that respondent-Nirmala was already married to one Sakharam, from whom she took customary divorce by executing deed of divorce and got married to deceased Sitaram.

3. In the aforesaid background, both the parties claimed right of administration of property

(3)

of deceased Sitaram.

4. Civil Judge, Senior Division, Basmathnagar, while deciding the claim of both the parties, allowed Misc. Application No. 63 of 2011 preferred by present applicant and rejected Misc. Application No. 65 of 2011 preferred by the respondent, against which, an appeal was carried to the Court of District Judge-1, Basmatnagar, which came to be allowed by order dated 11th October, 2014. As such, this civil revision application.

5. After having heard the parties for some time and having noticed findings recorded by the trial Court in paragraph-25 of the order by allowing right of administration under the Bombay Regulation (VIII) of 1827 in favour of applicants, this Court proposes to pass following order.

(i) The respondent will have restricted right to the extent of seeking benefit of only family pension, as in any case, the applicants will not be

(4)

entitled for the same.

(ii) However, such right of claiming family pension of deceased Sitaram will not confer any absolute right in favour of respondent of having share in the property of deceased Sitaram, unless such rights are established by her before the competent civil Court against present applicants.

(iii) So far as the claim of applicants are concerned, the order passed by learned trial Court on 27th February, 2013 passed in Misc. Application No. 63 of 2011 shall govern and hold the field subject to modification in clause (i).

6. With above observations, civil revision application stands disposed of.

7. Consequently, civil application is disposed of.

(N.W. SAMBRE, J.)