

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 555 OF 2017

Narendra S/o Rajaram Choudhari, Aged **Petitioner**
60 Years, Occupation Service,
Resident of Plot No.1, Gajanan
Colony, Opp. Madhuban Apartment,
Jalgaon, District Jalgaon – 425002

V E R S U S

- 1 The Union of India, through its **Respondents**
Secretary, Air Force Department, New
Delhi
- 2 The Commanding Officer, Air Force
Record Office, Subroto Park, New
Delhi - 110010

Mr. Vishnu B. Madan, Advocate for the petitioner
Ms. Apsingekar Dipali S. (Jape), A.G.P. for the
respondent Nos.1 and 2
Mr. Amol A. Jagatkar, A.G.P. for the State

CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL,
JJ.

DATE : 17th MARCH, 2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel for the parties heard finally.

2. Learned counsel for the petitioner states that respondent No.2 be directed to promulgate the name of wife of the petitioner namely Sarala @ Avantika in the NE POR with the benefits accrued to the services of the petitioner. Learned counsel further submits that the petitioner had married with one Iravati @ Sangita in the year 1990. There was a customary divorce and in the year 2013, by a decree of divorce, the divorce was also granted by the Civil Court. The petitioner has married with one Sarla @ Avantika and the respondents are required to incorporate her name as a nominee. However, the respondents are not accepting the said request.

3. The learned counsel for the respondents submits that the second marriage would be void ab-

initio as it was performed during the subsistence of first marriage. As the second marriage is not legal one, the name of the second wife is not incorporated as a nominee.

4. We have considered the submissions of the learned counsel for the respective parties.

5. The case of the petitioner is that he has divorced his first wife by way of customary divorce and subsequently has got the decree of divorce from Civil Court. It is for the petitioner to substitute the name of the nominee and the petitioner has suggested the name of his wife Sarla @ Avantika as his nominee. The nominee is merely trustee. There should not be any impediment to accept the said request.

6. In the light of above, Rule is made absolute in terms of prayer clause 'B'.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

