

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2013 OF 2018**

Smt Kaushalya Vishnu Kale

..Petitioner

Vs.

Union of India & Ors

..Respondents

Mr/ R. S. Yadav for the Petitioner

Mr. R. R. Shetty a/w Mr. A. K. Bharadwaj for the Respondent No.2

Mr. A. B. Shete for the Respondent Nos.4, 5 and 6

**CORAM :R. M. SAVANT, &
K. K. SONAWANE, JJ
DATE : 14th SEPTEMBER, 2018**

P.C.

1 The above Petition has been principally filed for the relief of a direction to the Respondent to continue to make payment of pension to the Petitioner. The Petitioner claims to have married to one Vishnu Kale who was in the employment of the Respondent No.2 which functions under the aegis of the Central Government. It seems that the said Vishnu Kale died on 29-12-2015. The Petitioner it seems made an application for grant of pension which was granted and accordingly the Petitioner claims that she was being paid pension up to February 2018. The Respondent No.4, 5 and 6 are the children of the said Vishnu Kale from his first wife Sangita Vishnu Kale who expired on 10-7-2011 and the Respondent No.3 is the mother of the said Vishnu Kale. It seems that the Respondent No.4 made an application to the authorities objecting to the grant of pension to the Petitioner. The said objection was taken cognizance of and the pension accordingly came to be stopped.

2 In so far as the Petitioner is concerned, the Learned Counsel for the Petitioner states that the Petitioner is the legally wedded wife of the said Vishnu Kale. An opinion was obtained from the Learned Counsel appearing for the Respondent No.2 in which opinion the legality of the marriage of the Petitioner with the said Vishnu Kale was questioned, in view of the fact that the Petitioner had not divorced her first husband Sunil Kamble and therefore it was opined that the Petitioner would not be entitled to the grant of pension as well as compassionate appointment. Hence by way of prayer clause (a) a relief is also sought in respect of the said opinion. How the said relief is sought in respect of an opinion which can be said to be a privileged communication between the Respondent No.2 and its Advocate, therefore begs an answer.

3 Be that as it may, since the Petitioner claims to be legally wedded wife of the said Vishnu Kale which fact is disputed by the Respondent Nos. 4 to 6, it is not possible for this Court in its writ jurisdiction to embark upon the adjudication of the claim made by the Petitioner. In so far as the said status claimed by the Petitioner, it is for the Petitioner to adopt appropriate proceedings, we express no opinion in that regard. The Writ Petition is accordingly disposed of.

Meera
Mahesh
Jadhav

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Meera Mahesh Jadhav
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[K. K. SONAWANE, J]

[R.M.SAVANT, J]