

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

WRIT PETITION NO.3729 OF 2016

Anusayabai wd/o Jayatu Naitam ...PETITIONER

VERSUS

The State of Maharashtra & ors. ...RESPONDENTS

.....
Shri S.B. Sontakke, Advocate for petitioner
Mrs. P.V. Diggikar, A.G.P. for State
Shri S.S. Rathi, Advocate for respondent No.5
.....

**CORAM: S.V. GANGAPURWALA AND
 A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. We have heard Mr. Sontakke, learned counsel for the petitioner. The learned counsel submits that, though in the name of the deceased, agricultural land did not exist, however, the agricultural land was purchased by the deceased in name of the petitioner. The same can be construed to be a joint family property. Mr. Rathi, learned counsel for the respondent No.5 submits that it is a necessary condition in the scheme itself that the name of the deceased ought to have been included in the 7/12 extract.

2. Annexure A to the scheme requires that, name of such person should be included in the 7/12 extract. Moreover, there is no concept of theory of blending as far as female's property is concerned. It cannot partake the character of the joint family property as far as female property is concerned. Be that as it may, the elementary requirement in the scheme itself is not satisfied.

3. In light of above, no relief can be given to the petitioner. Writ Petition is disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/