

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

WRIT PETITION NO. 12709 OF 2018

Sumati Kondiba @ Kishor Shriram
Dhale

.. Petitioner

Versus

The Chief Executive Officer,
Zilla Parishad Parbhani

.. Respondent

Shri S. D. Karkare, Advocate for the Petitioner.

Shri Vinayak H. Solanke, Advocate for the Respondent.

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

DATE : 12TH MARCH, 2019.

FINAL ORDER :

. The petitioner claims to be the second wife of deceased Kishor @ Kondiba Dhale. The petitioner claims family pension.

2. The learned counsel for the petitioner submits that, the petitioner is claiming family pension after the death of first wife. First wife is not living, in that scenario, the petitioner would be entitled for family pension.

3. The Full Bench of this Court also in a case of Kamalbai W/o Venkatrao Nipanikar Vs. State of Maharashtra in

Writ Petition No. 9933 of 2016 and other connected writ petitions vide **judgment dated 31.01.2019** has held that the widow has to be legally wedded wife of the deceased. The marriage of the petitioner was performed during the subsistence of the first marriage. In view of that, relief claimed by the petitioner cannot be considered. The writ petition as such is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 19