

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

WRIT PETITION NO.14355 OF 2018

SOMTA TUKARAM MAHAR SONWANE
VERSUS
MADHURI CHATRUGHNA SONWANE AND ORS

...

Advocate for the Petitioner : Shri Patil Vinod Prakash.
Advocate for Respondent 1 : Shri Paresh B. Patil.
AGP for Respondents 3 and 4 : Shri S.R.Yadav.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th January, 2019

Per Court:

1 The Petitioner is aggrieved by the order dated 16.08.2018 passed by the District Collector, Jalgaon under Section 14(1)(j-1) of the Maharashtra Village Panchayats Act.

2 I have perused the impugned order in which the following chart has been reproduced by the District Collector :-

अ. क्र.	अपत्यांचे नाव	वडिलांचे नाव	आईचे नाव	जन्म दिनांक
१	मनिषा तुकाराम सोनवणे	तुकाराम		१५/०४/१९९३
२	दिपाली तुकाराम सोनवणे	तुकाराम	सुनंदा	०८/१०/१९९५
३	अविनाश तुकाराम सोनवणे	तुकाराम	सोमताबाई	१०/०८/१९९८
४	प्रतिभा तुकाराम सोनवणे	तुकाराम	सोमताबाई	१७/०९/२०००
५	मनोज तुकाराम सोनवणे	तुकाराम	सोमताबाई	१२/०१/२००३

3 I find a discrepancy insofar as the name of the mother is concerned in relation to the first two children, namely, Manisha and Dipali. The learned Advocate for the Petitioner consulted the son of the Petitioner, namely, Avinash, who is present in the Court, and on the basis of instructions, he submits that the name of the Petitioner should appear as mother of even the first two children and it is stated that the Petitioner is a mother of five children.

4 It, therefore, appears that the Petitioner is not disowning the fifth child (Manoj), who is said to be born on 12.01.2003.

5 Insofar as the record of this proceeding is concerned, there is no dispute about the dates of birth of the fourth child (Pratibha) and the fifth child (Manoj). This Court has already concluded in ***Gautam Rama Latke vs. The State of Maharashtra and others, 2018 (3) ABR 156***, (Writ Petition No.1097/2018 (Aurangabad Bench) decided on 26.02.2018) that the cut off date as regards having more than two children is 12.09.2000 as against the misconception that the grant of one year extension was for facilitating the birth of another child.

6 The learned Advocate for the Petitioner has vehemently contended, on the basis of instructions, that the existence of her fourth child and fifth child is merely on the basis of the ration card. The ration card cannot be a conclusive evidence of the number of children.

7 In view of the vehement submissions of the Petitioner, I called

upon the learned Advocate to state whether, the Petitioner is taking a stand that the fourth child and the fifth child, who are born after 12.09.2000, are not her biological children. The learned Advocate for the Petitioner submits that he has no instructions to take this stand, but hastens to add that he does not have instructions to admit that they are the biological children of the Petitioner. He further states that, he has instructions to oppose the DNA test.

8 I find that the Petitioner has not approached this Court with clean hands and she is attempting to hoodwink the court by not taking a positive stand. If she wanted to disown the fourth child and the fifth child by taking a stand that they are not her biological children, she is free to take that stand. However, it appears that the Petitioner, as a mother, does not desire to take that stand which would indicate that she does not desire to take an unfair stand. Her son Avinash has identified his sister (the fourth child) and brother (the fifth child).

9 In the above backdrop, I do not find that the impugned order would call for any interference. This Writ Petition being devoid of merit is, therefore, dismissed.