

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7310 OF 2014

Smt.Kamala Neelkanth Sathe and Ors.} Petitioners

Vs

Chief Executive Officer, Zilla Parishad}
Ratnagiri and Ors. } **Respondents**

Mr.Milind Parab I/b Milind Parab and Associates for the Petitioners.

Mr.S.B.Kalel, AGP for the Respondent-
State.

**CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.**

DATE :- FEBRUARY 27, 2019

P.C. :-

1. After having heard both sides, we find that the grievance of the petitioner is really redressed. The Education Officer (Primary), Zilla Parishad Ratnagiri, in his affidavit filed on behalf of respondent Nos.1 and 2, has made a statement that the husband of the petitioner was firstly prosecuted, but the criminal trial is concluded and a judgment of acquittal was rendered on 25th August, 1986. That upon the presumption of his death, the petitioner will be entitled to claim pension which is otherwise due and payable to her husband.

2. However, there is an apprehension that in the event this amount is now released, the Government may be sued or proceeded against by some persons, for claiming the said amount.

3. We are of the opinion that the rights and equities can be balanced if the amount towards pension is released in favour of the petitioner within a period of eight weeks from today on the petitioner's executing an indemnity in favour of the respondent Nos.1 and 2, indemnifying these respondents against all claims made in respect of this pension amount. In such of the claims which are raised against respondent Nos.1 and 2, the petitioner will indemnify these respondents against any adjudication therein.

4. If such an indemnity is executed and if the amount is not released within eight weeks, then, it shall carry interest at the rate of 8 per cent per annum till disbursement.

5. The writ petition is disposed of accordingly. No costs.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)