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SB

05.10.2020
Ct. No. 24

**W.P.A. 6893 of 2020
with
C.A.N. 1 of 2020
(Through Video Conference)**

**Mafuja Begum
Vs
The State Bank of India & Ors.**

Mr. S. Das
Md. Hafiz Ali ...For the Petitioner

Ms. Debolina Lahiri For the Bank

The instant writ petition has been filed by one of the wives of a deceased employee of the State Bank of India. After the death of the employee there is a tussle between the two wives with regard to the disbursement of his death benefits.

At the instance of one Beauty Begum who claims herself to be the legally wedded wife of the employee a direction was passed by this Court in a writ petition filed by her for considering the claim of both the wives for family pension.

In compliance of the order of the Court in WP No. 23251 (W) of 2019 the bank heard both the wives and passed order on 28th July, 2020 whereby the bank was of the opinion that the employee had left two

legally wedded wives and the bank decided that the family pension of the employee may be disbursed equally between the two wives.

The petitioner is aggrieved by the said decision of the bank.

The petitioner submits that marriage registration certificate submitted by the respondent no. 5 herein is a fake one.

It is not open either for the bank or for the writ court to take a decision with regard to the genuinity of the marriage registration certificate produced by the party.

Accordingly, the parties are relegated to the appropriate forum for adjudicating the genuinity of the marriage registration certificate relied upon by them.

In view of the above, the bank is directed not to proceed in terms of their decision communicated to the petitioner by their letter dated 28th July, 2020 till a conclusive decision is pronounced by the appropriate forum.

The parties shall approach the necessary forum and upon production of the order from the appropriate court, the bank will take a necessary action in the matter.

The writ petition and the connected application are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all necessary formalities.

(Amrita Sinha, J.)