

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.35 OF 2018

SANGITA GOPAL YENGULE
VERSUS
SULABAI GOPAL YENGULE AND OTHERS

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Advocate for Petitioner : Shri Kedar Balbhim R.
AGP for Respondents: Shri Tambe S.K.
Advocate for Respondents 1 & 2 : Shri Pokale D.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 18, 2020

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PER COURT :-

1. The issue pertains to the claim for pension to be paid on account of the demise of Gopal Yengule. The dispute is as to whether the petitioner or respondent No.1, is the legally wedded first wife of the deceased.

2. The learned Advocate for the petitioner submits, on instructions, that since the issue of right of the second wife towards pension was an issue before the learned Full Bench of this Court and in view of the judgment dated 31.1.2019, delivered in Kamalbai Venkatrao Nipanikar Vs. The State of Maharashtra and others and connected matters, the petitioner desires to take recourse to a civil remedy by filing a civil suit for an adjudication as to whether the petitioner or respondent No.1 was the legally wedded first wife. He,

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therefore, submits that this petition may be disposed off considering that summary proceedings were involved and the petitioner would prefer filing a suit.

3. The learned Advocate for respondent Nos.1 and 2 submits that all contentions of the respondents be kept open if such a suit is filed.

4. By recording the above statements, this petition is disposed off as withdrawn and all contentions of the litigation sides are kept open.

5. It appears that, the petitioner is issue-less and respondent No.1 has a son who is eligible for compassionate appointment. The parties, as is stated today by the petitioner, are at liberty to settle the issue of sharing of pension and consenting for appointment of respondent No.2 on compassionate ground, as '*quid pro quo*'.

(RAVINDRA V. GHUGE, J.)

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