

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

919 WRIT PETITION NO.7389 OF 2020

ANUSAYA ALIAS SULEKHA WD/O MOHANRAO JAGTAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Gastgar Santosh B.
AGP for Respondents-State : Smt. V. N. Patil-Jadhav.
Advocate for Respondent Nos.4 & 5 : Mr. A. V. Patil.
Advocate for Respondent No.6 : Mr. K. V. Patil.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 26.10.2021

PER COURT :-

1. The petitioner claims to be the first and therefore, legally wedded wife of the deceased Mohanrao Jagtap. She alleges that respondent No.6 is the alleged second wife of the deceased. Respondent No.6 had preferred Misc. Application No.192 of 2018 before the learned Civil Judge Senior Division, Ahmedpur for claiming heirship certificate, to which the petitioner and her children were party. Said proceedings have been withdrawn by respondent No.6.
2. The petitioner has preferred Civil Misc. Application

No.509 of 2021 before the same Court seeking an heirship certificate. So also, the petitioner has filed Regular Civil Suit No.07 of 2019 before the same Court seeking declaration that she is the legally wedded wife and for granting family pension. Same is pending.

3. Disputed questions on fact, as to who is the first wife and who would therefore be the legally wedded wife, could be decided by the learned Court dealing with the above proceedings.

4. In view of the above, this petition is disposed off.

5. Needless to state, all the contentions of the litigating parties are left open.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-