

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10184 of 2015

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Kamrunisha @ Kaiyum Nisha Wife of Late Ali Hassan r/o village Mohan
Badheyen PS Pandaul Distt. Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Department of Electricity Board through its Chief Engineer, Patna, Bihar.
3. The Chief Executive Engineer, Darbhanga PS- Lahariya Sarai, District- Darbhanga.
4. The Electricity Board Darbhanga PS Lahariya Sarai Distt- Darbhanga.
5. The District Magistrate Darbhanga Distt- Darbhanga.
6. MahrnunNisa wife of late Ali Hassan r/o Chandpatti PS- Lahariya Sarai Distt- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Adv. Mr. Vijay Kr. Verma, Adv. Mr. Akhileshwar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 13-12-2022 1. The petitioner claims herself to be the second wife of the deceased pensioner and accordingly seeks distribution of pension of the deceased with the person whose name has been mentioned by the deceased as his wife in the service book.

2. Learned senior counsel appearing for the Electricity Board submits that so far as service rules are concerned, the pension would be payable to the person whose name is mentioned by the employer in his service rules and accordingly the amount has been released in favour of the concerned lady



whose name appears in the service rules of the deceased.

3. I have considered the submission. The deceased being a Muslim could have more than one wife. However, for claiming the status and the survival benefits of the deceased, the lady will have to get a declaration from a Civil Court. The writ petition therefore would not lie. Granting liberty to the petitioner to approach the Civil Court for such declaration.

4. The writ petition is dismissed. However, the dismissal will not come in the way for claiming her rights.

(Sanjeev Prakash Sharma, J)

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