

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 WRIT PETITION NO. 7924 OF 2022

BABITA W/O MAHESH GIRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. C. V. Bodkhe h/f Mr. R. V. Gore
AGP for Respondents : Mr. A. R. Kale
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CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.

DATED : 05 SEPTEMBER 2022

PER COURT :-

1. The petitioner has put forth a cause that the succession certificate issued on 13.1.2012 for an amount of Rs.1,12,320/- regarding D.C.R.G. and Group Insurance Scheme, which has already been utilized for the said purpose, be utilized for the purpose of issuing a direction to respondent authorities to release the pension amount of Rs.10,00,000/- to the petitioner.

2. There is no dispute that a succession certificate has to be sought from the competent Civil Court for the purpose of establishing a right over a particular component/property to the satisfaction of the Court. The succession certificate obtained by the petitioner on 13.01.2012, was with regard to establishing her right to the amount of Rs.1,12,320/-. The succession certificate issued for the said purpose cannot be utilized for issuing a direction to respondent nos. 2 and 3 to sanction an amount of Rs.10,00,000/- as *ex gratia*. The department has informed the petitioner that a succession certificate for obtaining Rs.10,00,000/- as *ex gratia* amount towards partial pension amount, is necessary as the records of the department must enter that the petitioner is declared as a legal heir of the deceased, under the orders of the Civil Court.

3. In view of the above, we do not find it appropriate to direct the department to utilize the succession certificate issued by the Civil Court for a different purpose, in order to satisfy the prayers put forth by the petitioners.

4. This petition is therefore disposed off.

5. Let the petitioner obtain an appropriate succession certificate and tender it to the respondents. If such a succession certificate is tendered, the respondents shall consider the same as expeditiously as possible and preferably within six weeks from the date of receipt of such certificate.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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