

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

WRIT PETITION NO.11925 OF 2022

**SUNITA PRABHAKAR SHINDE AND ANOTHER
VERSUS
SHAILAJA NILESH SHINDE AND OTHERS**

...
Mr. V. S. Bedre, Advocate for the Petitioners.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 29th NOVEMBER, 2022.**

PER COURT:-

1. The petitioners challenge the order dated 14.10.2022 passed by the 6th Joint Civil Judge, Senior Division, Ahmednagar in Civil M.A. No.198/2021. The proceedings are filed by petitioners for issuance of succession certificate in respect of the properties of their son Nilesh Prabhakar Shinde who has succumbed to Covid-19 disease. The respondent no.1 is the wife of Nilesh whereas respondent nos.2 and 3 are children. The application filed by petitioners disclosed several other policies, properties as well as bank account in the name of Nilesh. The impugned order is passed in respect of disbursement of amount in respect of Life Insurance Policy No.21989859 of HDFC Life Insurance Company. The respondent-wife has brought on record that Nilesh had availed loan of Rs.40,00,000/- and Rs.5,00,000/- on which normal as well as penal interest is accruing everyday.

2. Considering the above position that respondent no.1 is the wife of the deceased who has responsibility of maintaining two children coupled with fact that she is unable to repay the loan

availed by her deceased husband, the prayer made by petitioners to stall the payment of amount towards insurance policy to respondent-wife was totally misconceived. If the parents have any rights in respect of the properties of the deceased, there are other properties from which the same can be apportioned. The petitioners also have another son who can maintain them. However, respondent-wife will be put to difficulty if the amount of life insurance policy is not disbursed to her. If the said amount is kept pending, majority of that amount will have to be spent in satisfying the outstanding amount of loan with interest. The Trial Court in my view has rightly rejected the application of petitioners.

3. The petition is devoid of merits and the same is dismissed without any orders as to cost.

(SANDEEP V. MARNE)
JUDGE