

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

132 WRIT PETITION NO.12971 OF 2022

MRS. MADHURI W/LATE SATISH WANI

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioner : Mrs. S. A. Dhumal (Tambat).

AGP for Respondent/State: Mr. P. S. Patil.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 22nd December, 2022.

P.C.:

1. The petitioner is admittedly the second wife of late Satish Wani. The first marriage of her deceased husband is dated 6th May, 1999. A divorce decree was granted on 26th September, 2016. The petitioner married the deceased on 17th July, 2017 and the marriage certificate is dated 10th August, 2017. On 20th August, 2021, the petitioner's husband died. On 2nd September, 2021, the petitioner gave birth to twins.

2. The petitioner has put forth prayer clauses 'B', 'C' and 'D' as under:-

"B. By issue of writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus, the respondents no. 2 to 4 be kindly

directed to take immediate action on the representations dated 10/08/2022 and 16/09/2022 submitted by the petitioner to the respondent no. 2 to 4 forthwith.;

- C. By issue of writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus, it be declared and hold that the petitioner is eligible and entitled to get family pension as well as amount of Group Insurance Scheme, Gratuity, General Provident Fund, etc and also other pensionary benefits of deceased Satish Wani;
- D. By issue of writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus, it be declared and hold that the petitioner is entitled to get interest @ 18% p.a. for the amount of family pension, gratuity, Group Insurance Scheme, General Provident Fund and other pensionary benefits etc lying in the office of respondent authorities in the name of deceased Satish Narhar Wani;"

3. It is informed that the first wife and her children are involved in litigation with the petitioner in relation to the issuance of succession certificate. The said proceedings bearing Miscellaneous C.A. No.286 of 2021 are pending before the learned IInd Joint Civil Judge, Junior Division, Pachora, District Jalgaon. Unless that Court has decided the rights of the parties, we cannot issue a Writ of Mandamus.

4. In view of the above, we deem it appropriate to direct the learned IInd Joint Civil Judge, Junior Division, Pachora, District Jalgaon to decide Miscellaneous C.A. No.286 of 2021 expeditiously and in any case, on or before 31st March, 2023.

5. Pursuant to the verdict, the petitioner would be at liberty to exercise her rights.

6. With the above directions, this petition is disposed off.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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