

BASAVRAJ
GURAPPA
PATIL

Digitally
signed by
BASAVRAJ
GURAPPA
PATIL

Date:
2022.12.16
17:32:59
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4149 OF 2022

Baby Mugdha (Yashaswi) Vikas
Baisane

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mrs. Nisha Mehra, AGP for State
Ms. Subhada S. Gokhale for the Petitioner
Mr. Rohit Sakhadeo for Respondent Nos.3 and 5
Mr. Anilkumar Patil for Respondent No.8
Mr. Anuj Tiwari for Respondent Nos.6 and 7

**CORAM: S.V.GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR, J.**

DATED : DECEMBER 15, 2022

P.C.

1 The Petitioner claims to be a daughter of the second wife of deceased Vikas. The Petitioner claims right in the property of the deceased, *inter alia*, in the retiral and pensionary benefits.

2 The learned Counsel for the Petitioner submits that in such a case, the Government can make an inquiry into the matter of the existence of the second marriage and act as per the result of such inquiry in order to grant pensionary and other benefits to the child of second wife.

3 The learned Counsel for the Respondent submits that succession proceedings are already filed and pending before the Court of Civil Judge, Junior Division, Nashik bearing Civil Misc. Application No.310 of 2021.

4 In case the succession proceedings are pending, the Petitioner has every right to raise objection in the said succession proceedings and also claim her right. The objection raised by the Petitioner, naturally, will have to be considered by the Court dealing with the succession proceedings. The Petitioner is at liberty to raise objections in that regard. If such an objection is raised, all contentions of the parties are kept open.

5 Considering that the Petitioner is a minor and claiming right in the property of her father including retiral and pensionary benefits, the Court, where the succession proceedings are pending, shall endeavour to decide the said proceedings expeditiously and preferably within six months from the date the objection is filed by the Petitioner.

6 With these observations, the Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR, J)

(ACTING CHIEF JUSTICE)