

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2727/2020

Smt. Manda Bijaram Kamatwar .vs. The General Manager, Ordnance Factory, Chanda,
Dist. Chandrapur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S. A. Gajbhiye, Advocate for petitioner.
Mr. S. K. Bhattacharya, Advocate for respondent no.2.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATE : 13.10.2022

Heard.

2. The petitioner is one of the wives of the deceased Bijaram Kamatwar and claims that she is entitled to receive at least half of the family pension, payable on account of death of Bijaram. According to her, her right to receive 50% of the family pension of the deceased Bijaram has been recognized by the Civil Court in its judgment and decree dated 28.11.2011, passed in Misc. Judicial Case No.22/2009, which was an application filed under Section 372 of the Indian Succession Act, for grant of succession certificate. According to the petitioner, the second wife of deceased Bijaram has also been granted 50% share in the family pension of deceased Bijaram as per order dated 28.11.2011.

3. Now, the petitioner, as can be seen from the first prayer, is seeking to implement the judgment and decree of the Civil Court dated 28.11.2011.

4. The petitioner must know that the High Court is not an executing Court. Therefore, this petition is not maintainable in law and deserves to be dismissed.

5. The petition stands dismissed with liberty to the petitioner to take recourse to such a remedy as may be available in law, if so advised.

Civil applications, if any, are disposed of in terms of the final order.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)

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