

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

WRIT PETITION NO.2469 OF 2023

**USHABAI BHAGWAT CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Harshal Prakash Randhir
AGP for Respondents 1 to 5/State : Shri P.K. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 29th November, 2023

Per Court :-

1. The Petitioner is admittedly the biological younger sister of the first wife of the deceased Bhagwat Sitaram Chavhan. He was working as an Assistant Cook and his first wife Pushpabai has passed away. The contention is that after the husband passed away, Pushpabai was receiving the pension and since Pushpabai has now passed away, the Police Department should convert the pension in the name of the present Petitioner being the second wife.

2. The learned Advocate for the Petitioner submits that there was very good understanding between the two wives. He

refers to the communication dated 08.09.2021 issued by the Police Department addressed to the present Petitioner, which indicates that the deceased Pushpabai was the account holder and the amount of pension used to be deposited in her account.

3. The learned Full Bench of this Court has held in ***Kamalbai Venkatrao Nipanikar Vs. The State of Maharashtra and others - 2019(3) Mh.L.J. 921***, that notwithstanding that there is a second woman with whom the bread earner has biological children, a second marriage is unacceptable in the eyes of law and therefore, the pensionary benefits cannot be made available to the second wife.

4. The Honourable High Court of Karnataka, in it's judgment dated 17.11.2023 in Writ Appeal No.256 of 2023 (S-R) (***Smt.Mahalakshamma @ Mahalakshmi vs. The Secretary, Department of Rural Development and Panchayatraj and others***), has held that a second wife cannot have any right to pensionary benefits.

5. In view of the above, **this Writ Petition cannot be entertained and the same is dismissed.**