

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

WRIT PETITION NO.5856 OF 2023

Waheda Abdurrahim Uzagare

VERSUS

The State Of Maharashtra Through Registrar And Others

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Mr.Bakal Vishal P., Advocate for the Petitioner.

Mr.S.B. Yawalkar, AGP for the Respondents/State Authorities.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRADE, JJ.

DATE :- 21st July, 2023

Per Court :-

1. The Petitioner is the widow. Her maiden name is “Shukraprabha d/o Simon Colvin”. She professed Christian religion. She got married with Raju s/o Ramesh Uzagare.

2. The learned Advocate for the Petitioner submits, across the Bar after taking instructions from the Petitioner present in the Court, that the Petitioner as well as her husband, were previously married. Though they were living away from their respective spouses, they got married without a formal

divorce decree in relation to their earlier marriages.

3. As such, the situation before us today is that the Petitioner, *ex-facie*, cannot be said to be the legally wedded wife of the deceased Raju Uzagare. However, it is stated that since both got converted and adopted the Muslim religion and claimed to have got married as per the Mohammedan law, they may be legally wedded.

4. The learned AGP submits that it would be appropriate for the Petitioner to move the competent Court for seeking a succession certificate so that all these aspects can be gone into as there are certain issues, which need legal answers. Approaching the Court for a succession certificate, would be an appropriate way out.

5. We are, therefore, of the view that in the face of such issues, which may be disputed by the first Hindu wife of the deceased Raju and since there is nothing before us to conclude that the deceased Raju has legally separated from his Hindu wife before marrying the Petitioner, we do not find it appropriate to exercise our writ jurisdiction. **This Writ Petition is, therefore, disposed off.**

6. If the Petitioner avails of a remedy in the form of

seeking a succession certificate, she would be at liberty as may be permissible in law.

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(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)