

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.7460 OF 2022

SHIVAJI SHAYAMRAO PANGATWAR AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS

Mr.P.S.Anerao, Advocate for the petitioners.
Mr.R.B.Bhosle, Advocate for respondent Nos. 1 to 7.
Mr.Kalyan V.Patil, Advocate for respondent No.8.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 5, 2023

PER COURT :

1. The petitioners pray that this Court should direct the employer of their deceased son Sambhaji Pangatwar to pay one share of the family pension to the petitioners and further seek a direction to respondent No.8, who is the 18 years old widow of the deceased to support and maintain the petitioners. The petitioner No.1 is a 48 years old father of the deceased and petitioner No.2 is a 44 years old mother of the deceased.

2. We find from the pleadings that the petitioners purportedly entered into consent terms with their widowed daughter in law. The

date on the consent terms is not mentioned. The consent terms document is purportedly drawn on a Rs.100/- Non Judicial Stamp Paper, is neither a registered document, nor is it a notarized document. The said document is alleged to have been presented by respondent No.8 to respondent No.7 for drawing pension.

3. The learned Advocate representing respondent Nos. 1 to 7 submits on instructions that the name of respondent No.8 widow was nominated by the deceased soldier as his nominee. Hence, she is being granted pension. As per the Rules of the Armed Forces, petitioner No.2 mother of the deceased soldier was entitled for a share of Army Group Insurance upto 50 percent, which has already been paid to her i.e. Rs.20,00,000/- (Rs.Twenty Lac).

4. We find that if this petition is to be entertained, we will have to go into the aspect of whether the consent document is a valid document which can be enforced against respondent no 8, widow. It would be a matter of oral and documentary evidence to prove the document. Disputed issues cannot be gone into in our Writ jurisdiction.

5. In view of the above, we do not find any reason to entertain this petition. The same is, therefore, disposed off. It is left to the petitioners, if they desire to avail of a remedy, if permissible in Law, with reference to any compromise between the parties.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)