

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

84 WRIT PETITION NO.440 OF 2023

DIGAMBAR BHIMRAO KIROLE
VERSUS
THE CHIEF SECRETARY IRRIGATION DEPARTMENT AND OTHERS

...
Advocate for Petitioner : Ms. Chate Sharada P
AGP for Respondents/State : Mr. S.K. Tambe
Advocate for R/2 : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 17th January, 2023

PC. :-

1. This is a petition filed by a husband who submits that he was never in employment in his entire lifetime and there was a written pact with his wife-respondent no.4 that he would take care of the home and she would continue to perform duties being a 'Laboratory Attendant' with respondent nos.2 and 3. Their three daughters are now happily married.

2. The Respondent no 4 wife superannuated from employment in 2020-2021. For the first time after 2020-2021 the respondent no.4 quarreled with the petitioner and threw him out of the house. The petitioner has instituted legal proceedings for seeking maintenance. The wife has preferred proceedings before the Principal Family Court at Nanded seeking judicial

separation from the petitioner. In this backdrop the petitioner desires that this Court should direct respondent no.4 to nominate the petitioner as her nominee for the pension.

3. Considering that there appears to be a family discord between the petitioner and respondent no.4 and as there are pending legal proceedings, it would be inappropriate to entertain such a dispute under Article 226 of the Constitution of India, more so, when the petitioner desires that this Court should direct the respondents to decide his representation for recording the name of the petitioner as a nominee of respondent no.4.

4. Keeping the liberty to avail of a statutory remedy open, this petition is disposed off.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]