



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.13912 OF 2023
IN WP/8316/2022

ARUNA JAYRAM BULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTH

...
Advocate for Applicants : Mr. Bhosale Mahesh Kalidas
AGP for Respondents/State : Mr. P.S. Patil
Sr. Advocate for R/3 : Mr. S.B. Deshpande a/w. S.S. Tope
Advocate for R/5 : Mr. G.J. Pahilwan
...

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 8th December, 2023

PC. :-

1. The Petitioner No.1 is seeking disbursement of pension and retiral benefits to Petitioner No.1 alone, who claims to be the first wife.
2. We have heard the learned advocates for the respective sides and the learned senior advocate along with Shri Tope, the learned advocate who is on the panel of the Municipal Corporation. The Petitioner No.1 has already moved the competent Court by filing Civil M.A. No.1802/2022 seeking revocation of the succession certificates issued to the purported second wife. The said proceedings are pending. The disbursement of the pensionary benefits has been stopped by the Municipal Corporation.

3. The law laid down by the Full Bench of this Court in **Kamalbai w/o Venkatrao Nipanikar V/s. State of Maharashtra and Ors.**; 2019 (3) Mh.L.J. 921 and the recent view taken by the **Karnataka High Court** on 17.11.2023 in **Writ Appeal No.256/2023 (Smt. Mahalakshamma V/s. The Secretary and Ors.)**, clearly indicate that it is only the first wife who gets the retiral benefits and pensionary benefits. Since the dispute is before the Civil Court, we deem it appropriate to request the learned Court dealing with the Civil M.A.No.1802/2022, to conclude the said proceedings expeditiously and preferably on or before 29.02.2024. Until then, the Municipal Corporation would refrain from disbursing the retiral benefits.

4. Needless to state, after a declaration by a competent Court that one of the two ladies is the first legally wedded wife, the Corporation can proceed to disburse the retiral benefits. If any retiral benefits have already been paid to Respondent No.5 herein, we grant liberty to the Petitioners to initiate appropriate proceedings for recovery, only if Petitioner No.1 is declared to be the first legally wedded wife.

5. With the above directions, **the Writ Petition is disposed off. Pending Civil Application would not survive and stands disposed off.**

[Y.G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]