



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15143 OF 2023

NIRMALA MAHADEV KARAD

....Petitioner

VERSUS

THE COMMISSIONER OF POLICE AND OTHERS

.....Respondents

Mr. Madde Shrikant B, Advocate for the Petitioner

Ms. Priya R. Bharaswadkar, AGP for the Respondents State.

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

DATE : 12th December, 2023

ORDER:

1. The Petitioner claims to be the first wife of Respondent No.3. Respondent No.3, who was in the Police service, has retired from service, last year. The learned Advocate for the Petitioner submits that Respondent No.3 has a second wife and it is suspected that he has a third wife. The Second wife namely Mandabai is presently residing with him. It is prayed that the name of the Petitioner be entered as a nominee of Respondent No.3.

2. The learned AGP submits that Respondent No.3 is still alive. There is no cause action for this Petition. The other two ladies have not been added as respondents. She, therefore, prays that this Petition may be disposed off.

3. It is well settled that only a legally wedded wife can be included in the family and after Respondent No.3, she would be entitled, unless there is any legal impediment. So also, this Court cannot take up the issue as to which amongst the three is the first legally wedded wife. Therefore, we allow the Petitioner to approach an appropriate Court for seeking a declaration as regards being the first legally wedded wife and ensure that in such proceedings the other lady/ladies, as the case may be, shall be added as defendants.

4. With the above observations **this Petition is disposed off**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan