

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.5604 of 2018

Smt. Shalini @ Shobha Wd/O Wamanrao Faye And Others

Vs

The Competent Authority Employees Provident Fund Organization And Another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.B. Ambilwade, Advocate for the Petitioner/s

Shri S.D. Sirpurkar, Advocate for the respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 19.06.2023

1. Heard.
2. In this writ petition, a challenge is raised to the order dated 03.08.2017 passed by 16th Joint Civil Judge Senior Division, Nagpur in Regular Civil Suit (RCS) No.486 of 2013 in application Exh. 31 preferred by the plaintiff for issuing the mandatory injunction and directing the defendant No.1 to disburse the payment of pension amount to the plaintiff as legally wedded wife of late Wamanrao.
3. The application was rejected on the ground that, unless it is determined that the plaintiff is the legally wedded wife of late Wamanrao, no purpose would be served by directing the defendant No.1 to deposit monthly pension of late Wamanrao in the Court.
4. Admittedly, the impugned order was passed on 03.08.2017 and no interim relief or interim protection was issued in this writ

petition, which was filed on 06.03.2018, to the defendant No.1/respondent No.1 to deposit the pension amount in the Court.

5. Thus, from last six years there is no relief operating in favour of the petitioners. In the circumstances, as the suit is of the year 2013, I am of the opinion that a purpose would be served, if the petition is disposed of with a direction to the learned trial Court to expedite the suit and decide the same within a stipulated period.

6. Both the parties are agreeable to this arrangement. Accordingly, I pass the following order:

(i) The writ petition is **disposed of** with a direction to 16th Joint Civil Judge Senior Division, Nagpur to decide RCS No.486 of 2013 within a period of nine months from today.

(ii) Both the parties have undertaken to co-operate the learned trial Court to decide the suit within a stipulated period.

[ANIL S. KILOR, J.]