

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1927/2020

Smt. Shobhabai V the Executive Engineer, Pench Irrigation Division Nagpur and
others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. G.D. Asole, Adv for petitioner.
Mr. S.G. Jagtap, Adv for resp. nos. 2.
Mr. A.D. Dangore, Adv for resp. no.6.
Mrs. K. Deshpande, AGP for resp. nos.1, 3, 4 and 5.

CORAM : AVINASH G GHAROTE &
M.W. CHANDWANI, JJ.

DATE : 08-08-2023

It is an admitted position that the petitioner is the second wife of deceased Sheshrao Thakare, who passed away of 24-09-2014 on account of which the claim of the petitioner, in the family pension of the deceased has been denied.

2. In Kamlabai w/o Venkatarao Nipanikar vs State of Maharashtra and other reproted in 2019(3) Mh.L.J. 921, the learned Full Bench has held that for a woman to be a "widow", she has to be a legally married woman as per law applicable to parties so as to enable her to claim family pension. In view of the admission above regarding the petitioner being a second wife, the denial of the claim to the petitioner cannot be faulted with.

3. The petition is therefore dismissed. No costs.

JUDGE

JUDGE

Deshmukh