

13.06.2024
sayandeep
Sl. No. 14
Ct. No. 08

MAT 1460 of 2022
With
CAN 1 of 2022

Smt. Biva Rani Mondal @ Bibharani Mondal
-Versus-
State of West Bengal & ors.

Mr. Mukteswar Maity
Ms. Nupur Choudhuri

..... for the appellant

Mr. Shahan Shah
Mr. Soumen Barman
Mr. Umenur Khan

.... for the respondent No. 6

The dispute relates to the status of the rival contender as legally wedded wife of the deceased employee. The writ petition was taken out by the appellant claiming herself to be the legally wedded wife for disbursement of the retiral benefits as well as the family pension. By the impugned order, the Single Bench being alive of the fact that the moment the status of a person is in dispute, the same cannot be decided in the writ proceeding and granted liberty to the parties to approach the civil forum. The appellant contends that she is the legally wedded wife and, therefore, is entitled to a family pension which in our opinion is highly disputed for the simple reason that the private respondent has claimed the same status. In course of the hearing it has been informed that the private respondent has applied for Succession Certificate before the District delegate at Diamond Harbour which is

registered as misc. case No. 6 of 2022. The copy of the said application is handed over to the counsel appearing for the appellant in Court today.

Since the dispute has rolled into the domain of the Civil Court which in fact has been held by the Single Bench, we do not find any reasons warranting interference in the impugned order.

Furthermore the moment, the Court finds that the status of a person is denied, the Civil Court is a competent forum to decide such dispute and make a declaration in this regard.

We thus do not find any merit in the instant appeal.

Accordingly, the same is dismissed without any order as to costs and connected applications, if any, are also dismissed.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)