

01-05-2024
ct no. 13
Sl. 11
pk

WPA 26065 of 2017

Sumitra Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Tapodip Gupta

..for the petitioner.

Mr. Biswabrat Basu Mallick,
Ms. Munmun Ganguly

... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is allegedly the second wife of late Fatu Kumar Mondal, who died on 11.03.2015. She claims a share of the retirement benefits of her late alleged husband. It is further submitted that she has a child born out of wedlock with Fatu Kumar Mondal.
3. Counsel for the State submits that the first wife has been issued pension payment order and is enjoying pension and has received all terminal benefits. The daughter of the first wife has also been given appointment on compassionate grounds.
4. Since a second marriage is not recognised in law, no relief can be granted to the petitioner in the instant proceeding.

5. Accordingly, the writ petition is dismissed.

6. The dismissal of the instant proceeding shall not curtail any right of the petitioner that she may have against the estate of Fatu Kumar Mondal under any other law and may be agitated in accordance with such law.

7. Instructions of the State is kept with the record.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)