



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 REVIEW APPLICATION (CIVIL) NO. 38 OF 2024
IN WP/8374/2018

THE UNION OF INDIA THROUGH THE SECRETARY MINISTRY
OF HOME AFFAIRS

VERSUS

TRIVENIBAI GANPATRAO HOLIKAR DIED THROUGH LRS
ASHOK GANPATRAO HOLIKAR AND OTHERS

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Advocate for Applicant : Mr. Kulkarni Bhushan B.
Advocate for Respondent No.1 : Mr. R. K. Ashtekar.
AGP for Respondent No.2/State : Ms. Neha Kamble.
Advocate for Respondent No.3 : Mr. Rakh Arun V.

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CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.

DATE : 25.04.2024

PER COURT :-

1. The petitioner/Union of India, through Under Secretary Ministry of Home Affairs, Freedom Fighter Division has preferred this review petition praying that the order of this Court dated 12.10.2021, in Writ Petition No.8374 of 2018, be reviewed on the grounds set out below paragraph No.3.

2. We have considered the extensive submissions of the learned standing counsel for the Union of India and with his assistance, we have gone through the Review Petition papers.

3. The following factors need to be kept in focus :
- (a) The freedom fighter was Ganpat Holikar.
 - (b) Ganpat Holikar was entitled for freedom fighters pension and accordingly was receiving his pension.
 - (c) The freedom fighter died on 13.06.2014.
 - (d) The wife Trivenibai Ganpat Holikar (now deceased) was required to make an application, on 05.08.2016.
 - (e) Writ Petition No.8374 of 2018 was filed by Trivenibai, on 11.07.2018.
 - (f) Trivenibai passed away on 31.08.2018.
 - (g) Trivenibai, being a wife of the freedom fighter, is admittedly eligible for the freedom fighters pension from 13.06.2014 till 31.08.2018.
4. Vide our order dated 12.10.2021, which is sought to be reviewed, we have concluded in paragraph No.3 as under :
- “3. In view of the above, this Writ Petition is partly allowed. We direct respondent No.1/ Union of India as under :-

(a) The pension amount for the periods 01.12.2014 to 30.09.2016 and 01.05.2018 to 31.08.2018 shall be computed as per the rates that were admissible at the relevant time and the said amount shall be paid to the legal heir Shri Ashok Ganpatrao Holikar by depositing the amount in his bank account, details of which are as under :-

“State Bank of India, Branch Chandra Nagar, Latur.

Branch Code : 20037

IFSC : SBIN0020037

MICR : 413002055

Account No.: 52069490090

Name : Ashok Ganpatrao Holikar”

(b) The above computed amount of pension shall be deposited in the above account as expeditiously as possible and preferably on or before 15.12.2021.”

5. The learned standing counsel submits on instructions and the pleadings in the review petition that the bank of Baroda had inadvertently made the payment to Trivenibai, for the period 01.10.2016 to 30.04.2018. We are unable to accept this contention since it is a foregone conclusion that if the widow (a legally wedded wife) survives the freedom fighter, she is entitled to the freedom fighter's pension until her demise. Such pension, thereafter, is not inherited by the children.

6. In view of the above, we do not find any error apparent

on the face of the order. **The Review Petition is devoid of merit and stands dismissed.**

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-