



This order dated 19.06.2024 is corrected and uploaded in view of the order dated 26.06.2024.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1017 CRIMINAL WRIT PETITION NO.1809 OF 2023

Anil Machindra Waghmare
Since Died through his mother as a nominee
Sindhu Machindra Waghmare
Age-70 Yrs., Occ. - HH.
R/o. A 57/30, Krishna Nagar Near
Gangamata Vidyalaya Latur Tq.Latur
Dist Latur. **.. PETITIONER**

VERSUS

Bhagyashri w/o. Anil Waghmare
Age-37 Yrs., Occ. - Household,
R/o. C/o. Maroti Ramrao Suryawanshi,
Vikas Nagar near Bharti Classes,
Barshi road, Latur Tq and Dist Latur. **..RESPONDENT**

...

Mr.Suraj V. Gundre, Advocate for the petitioner.
Mr.M.D.Shinde, Advocate for the respondent.

...

CORAM : SHIVKUMAR DIGE, J.

DATE : 19.06.2024

P.C. :

1] By this Writ Petition, the petitioner has challenged the impugned order dated 20.07.2023 passed by the Family Court at Latur on an application below Exh.31 in

E.R.Petition No.61/2022, thereby allowing the application preferred by the respondent.

2] The learned counsel for the petitioner submits that the petitioner is mother of the husband of respondent, who has died on 27th June, 2023. The learned counsel further submitted that the petitioner has been nominated as nominee in five LIC policies by her deceased son. As per the rules and regulation of the LIC, the petitioner is entitled for the policy amount after the death of her son. The respondent has filed an application against her son, which is pending before the Family Court. In the said application, the respondent has filed application for stay to disburse policy amount in favour of the petitioner. The trial Court without hearing has stayed disbursement of the policy amount to the petitioner, which is illegal, hence, requested to allow the Writ Petition.

3] It is contention of the learned counsel for the respondent that respondent is legally wedded wife of son of the petitioner. The respondent had filed an application

before the Family Court at Latur for getting maintenance. The Family Court had allowed the said application. The said order is confirmed by this Court. The application is filed for recovery of maintenance amount before the Family Court. During pendency of the recovery proceedings, the respondent has filed an application for preventing disbursement of amount of LIC policies. The respondent is entitled for maintenance amount. Therefore, the order passed by the trial Court is legal and valid and no interference is required in it.

4] I have heard both the learned counsel. Perused the impugned order passed by the trial Court. Admittedly, the petitioner's name have been mentioned as nominee in the LIC policies. The application for recovery of maintenance amount is pending. The impugned order is not final order. The trial Court should have heard the petitioner before passing the impugned order as the petitioner is the nominee in the said LIC policies. Hence I pass the following order :

ORDER

I] The respondent is directed to implead the petitioner as party in the application filed before the trial Court in the recovery proceedings in respect of LIC policies. The trial Court is requested to dispose of the pending application as early as possible preferably within two months from the receipt of this order on its own merits.

II] The Writ Petition is disposed of accordingly.

[SHIVKUMAR DIGE]
JUDGE

DDC