

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16803 OF 2024

Ms. Shabda Subhash Jadhav & Anr. ... Petitioners
Versus
The Union of India & Ors. ... Respondents.

Mr. Rahul V. Shinde, for the Petitioners.
Mr. J.S. Saluja, for Respondent-UOI.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 28th NOVEMBER, 2024

P.C. :

1. The deceased Subhash Jadhav was an Inspector in the Central Exercise of Custom Department. His first marriage was with Smt. Jalja on 19th May, 1983. A daughter, namely Sujita was born out of the marriage on 16th August, 1988. Since there was a marital discord, the parties applied for divorce by mutual consent and were granted the same by the Family Court, on 10th August, 1992 in Divorce Petition No. 815 of 1991. Thereafter, on 20th February, 1993 the deceased married Rajani. On 24th December, 1998 the two Petitioners (twins) were born.

2. We are informed on the basis of the Judgment dated 4th May, 2021 delivered by the 22nd Joint Civil Judge, Senior Division, Pune in Civil Misc. Application No. 144 of 2002, that a succession certificate

is issued in the name of the present two petitioners and one daughter born out of the first marriage, who is Respondent No.3 herein.

3. It is undisputed that the legally wedded wife Smt. Rajani Subhash Jadhav, is still alive. Though it is observed in the said judgment that Rajani could not produce any proof of her marriage with Subhash, the parties had agreed that Rajani had married Subhash and these Petitioners were born from the said relationship. We are also informed that the deceased had nominated Rajani as his nominee in the service record.

4. The Petitioners are unable to point out any law which would support the contention that though the mother is alive and is a nominee, pension should be divided between these two siblings and the first daughter of Subhash, when Smt. Rajani is still alive. Moreover, Petitioner No. 2 is a male adult of 25 years age and will not be entitled for pension.

5. In view of the above, **this Writ Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)