



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

957 WRIT PETITION NO. 2339 OF 2018

Suman w/o Anant @ Anand Bhalerao
Age : 47 years, Occ : Household,
R/o Near Dr. Dongre House,
Jamgaon Road, At Post Parner,
Tq. Parner, Dist. Ahmednagar.

..PETITIONER

-VERSUS-

1. Maharashtra State Road Transport Corporation,
Maharashtra Vahatuk Bhavan,
Dr. Anandrao Nair Marg, Mumbai Cenral,
Mumbai - 400 008.
2. Divisional Controller,
Maharashtra State Road Transport Corporation,
Ahmedagar Division, Ahmednagar.
3. Depot Manager,
Maharashtra State Road Transport Corportion,
Akole Depot, At Post. Akole,
Dist. Ahmednagar.
4. Anant @ Anand Dattatraya Bhalerao
Age : 54 years, Occ : Driver,
R/o Akole Depot, Maharashtra State Road
Transport Corporation,
At Post. Akole, Dist. Ahmednagar
5. Ranjana Anand Bhalerao
Age : 48 years, Occ : Household,
R/o C/o Anant Dattatraya Bhalerao
Akole Depot, MSRTC, At Post Akole,
Dist. Ahmednagar.

..RESPONDENTS

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Advocate for Petitioner : Mr. Tungar N.K.
Advocate for Respondent no.1 : Mr.Dhongade A.B.
Advocate for respondent nos.4 and 5 : Mr. R.A. Tambe

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATED : 3rd DECEMBER, 2025.

JUDGMENT (PER NITIN B. SURYAWANSHI, J.):

. Rule. Rule made returnable forthwith and heard finally with the consent of the learned Advocates for the parties.

2. By this petition, petitioner seeks directions to respondent nos.2 and 3 - M.S.R.T.C. to include her name as wife of respondent no.4 in the service record of respondent no.4.

3. Admitted position on record is that petitioner is legally wedded wife of respondent no.4 and their marriage was solemnized in the year 1985. Daughter Anita is born out of their wedlock.

4. It is case of the petitioner that respondent no.4 has deserted her and married with respondent no.5. Because of desertion by respondent no.4, petitioner filed Criminal Misc. Application No.247/1990 for maintenance, which was allowed. Thereafter, the petitioner filed Criminal Misc. Application No.221/1999 for enhanced maintenance, which was also allowed. Petitioner thereafter filed Regular Civil Suit No.132/2012 in the Court of learned Civil Judge, Junior Division, Parner for recovery of amount spent by her in the marriage of daughter Anita. The said suit was allowed by judgment and decree dated 05.02.2015 and respondent no.4 was directed to pay an amount of Rs.2,21,503/- to the petitioner. In these facts, petitioner has made aforesaid prayer.

5. Respondent Nos.2 and 3 - M.S.R.T.C. has filed reply stating that respondent no.4 was working as a driver. He has nominated respondent no.5 (second wife) as his nominee in his service record. On conclusion of Departmental enquiry, by order dated 26.07.2025, punishment of confiscation of his gratuity amount of Rs. 7,17,730/- is imposed on respondent no.4. In reply, it is mentioned that there is dispute about legal heirs of respondent no.4, and therefore, it is necessary to get legal heirship certificate.

We fail to understand as to how the legal heirship certificate can be obtained during the life time of respondent no.4, fact remains that name of respondent no.5 is given as nominee in service record of respondent no.4.

6. Respondent Nos.2 and 5 have filed common reply stating that petitioner has willfully deserted respondent no.4 for the reasons best known to her. After her desertion, the marital status ceased to continue. No marital relationship exists between the parties and petitioner is guilty of deserting respondent no.4.

7. From the above, it is clear that petitioner is legally wedded wife of respondent no.4 and during the subsistence of their marriage, respondent no.4 has married to respondent no.5. In ***Kamalbai and ors Vs. The State of Maharashtra and Ors, [2019(3) Mh.L.J. 921]***, Full Bench of this Court has held that "second wife, if not legally wedded wife, would not be entitled for family pension". The same principle needs to be applied in the present case. The petitioner being legally wedded wife of respondent no.4, her name is required to be entered in service record of respondent no.4.

8. In the result, writ petition is allowed in terms of prayer clause "B", which is as follows :-

"B. Writ of mandamus or any other appropriate writ or order may kindly be passed and respondent No. 2 and 3 be directed to include the name of the petitioner as wife in reference to respondent No. 4 in the record kept with the respondent No. 2 and 3. Further respondent No.2 and 3 be directed to give benefit of welfare schemes to petitioner being wife of respondent No. 4 including Family pass."

9. Rule is made absolute in the above terms.

10. No orders as to costs.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)

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