



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

120 WRIT PETITION NO. 14036 OF 2024

Prayagbai Pandurang Korde,
Age 78 YEARS, Occu : Agri.
r/O Phule Pimpalgaon,
Tq. Majalgaon, Dist. Beed

...Petitioner

VERSUS

1. Smt. Kamalabai Uddhav Rasve
Age 56 years, Occu : Household,
R/o Kitti-Aadgaon, Tq. Majalgaon,
District Beed.
2. Pandurang s/o Limbaji Korde,
Deceased, Through : L. Rs-
- 2/1 Vishwas S/o Pandurang Korde,
Age 51 years, Occu : Agri.
R/o Phule Pimpalgaon
Tq. Majalgaon, District Beed
- 2/2 Prakash S/o Pandurang Korde
Age 49 years, Occu : Agri.
- 2/3 Vilas S/o Pandurang Korde,
Age 47 years,
Occu : Agri.
R/o As above.
- 2/4 Pratibha Balasaheb Bhumbe,
Age 46 years, Occu: Household
R/o Takarwan, Tq. Majalgaon.
District Beed

...Respondents

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Mr.Bhagwan S. Kudale, Advocate for the Petitioner
Mr. M. P. Kale, Advocate for respondent no.1.
Mr.Vijay P. Latange, Advocate for Respondent Nos.2.1 to 2.4

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CORAM : ROHIT W. JOSHI, J.
DATE : 18th AUGUST, 2025

ORAL JUDGMENT :

1. The present petition arises out of Regular Civil Suit No. 230 of 2018 which is a suit for partition and separate possession filed by respondent no.1 against other respondents.

2. The petitioner claims to be wife of respondent no.2/ Org. Defendant No.1. She had filed an application for addition of her name as defendant no.6 in the Civil Suit on the ground that she is a legally wedded wife of respondent. This application filed by the petitioner vide Exhibit-52 came to be rejected by the learned Trial Court vide order dated 25.11.2024. The learned Counsel for the petitioner states that initially defendant no.1 had married with one Laxmibai d/o Digambar Shinde in the year 1958. He states that defendant no.1 did not have any issue from her first wife Laxmibai and therefore he married to one Subabai d/o Sakharam Gadekar. The contention is that the marriage of Subabai with defendant no.1 in the year 1961 is not a legal marriage as can be seen from paragraph 4 of the plaint, wherein it is stated that the marriage between respondent no.1 and Subabai was not solemnized. Defendant no.1 performed marriage with petitioner in the year 1963. Admittedly, Laxmibai, first wife of defendant no.1 has expired in the year 1981-82, thus even if it is assumed that Subabai is not legally wedded wife of defendant no.1 it is undisputed that defendant no.1

had one legally wedded wife in the year 1963 when the present petitioner married to defendant no.1.

3. In view of the above, the marriage of the present petitioner with defendant no.1 cannot be said to be a legal and valid marriage. The learned Trial Court has therefore rightly rejected the application for addition of name of petitioner as party to the said Civil Suit. The impugned order is just and proper and does not call for interference.

4. Writ Petition is therefore **dismissed** with no order as to costs.

[ROHIT W. JOSHI J.]