



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.179 OF 2025

Smt. Sheelabai wd/o Vasantrya Malode Vs. Smt. Darshana wd/o Vasantrya
Malode and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. K. J. Topale, Advocate for appellant.

Mr. A. M. Chandekar, Advocate for respondent Nos.1 to 3.

CORAM : ROHIT W. JOSHI, J.

DATE : 13.10.2025.

. The marriage of the present appellant with late Vasantrya Malode was solemnized somewhere in the year 1996. Respondent No.1 is the first wife of deceased Vasantrya. Respondent No.2 and 3 are daughters of Vasantrya, begotten from respondent No.1.

2. The respondents had filed a suit for possession against the present appellant, being Regular Civil Suit No.6 of 2018, seeking possession of the properties owned by Vasantrya. Vasantrya had admittedly died intestate. During the course of evidence of in the said suit, the fact that respondent No.1 is the first wife of deceased Vasantrya was not disputed and it was also admitted that the marriage of appellant with Vasantrya was solemnized in the year 1996, during the lifetime of respondent No.1.

3. It is thus undisputable that the appellant is the second wife of Vasantrya and that the marriage was solemnized during the lifetime of the first wife. The

marriage of Vasantrao with the appellant is, therefore, clearly void and the appellant does not have right to inherit the properties of Vasantrao.

4. The learned Trial Court has, therefore, rightly decreed the suit for possession filed by the respondents. The learned First Appellate Court has also dismissed the appeal in the light of these admitted facts. Merely because, in the earlier round of litigation pertaining to terminal dues of deceased Vasantrao, there was a compromise between the parties and pursuant to the said compromise terms, the appellant is receiving monthly family pension after demise of Vasantrao, that by itself will not mean that the marriage of appellant with deceased Vasantrao was a legal and valid marriage.

5. The appellant cannot claim to be a Class-I legal heir of deceased Vasantrao.

6. In view of the above, Second Appeal stands **dismissed**.

(ROHIT W. JOSHI, J.)

Tanmay...