



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 262 of 2025

[Sonali W/o Trushant Walde ..vs.. Babita Wd/o Girish Badole]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Kalangiware, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 15-01-2025

Heard.

Vijay and Kunda was a married couple. They had two daughters and son, namely, Sonali, Monali and Girish. In an accident that occurred on 16-4-2023, except for Sonali, all other family members expired. Girish holds a policy for Rs. 25,00,000/-. His wife, namely, Babita applied for succession certificate. Petitioner Sonali filed an application for adding her as party respondent to the proceedings. According to her, upon death of Girish, not only Babita but Girish's mother, Kunda, being Class I legal heir would be entitled to receive benefit under the policy. Unfortunately, Kunda also died but subsequent to death of Girish and therefore, the rights accrued in her favour to have benefit of policy upon death of Girish, will now be available to Sonali to the extent of Kunda's share. The trial Court has ignored this valid legal point while rejecting the application. Hence, present petition.

Issue notice, returnable in four weeks.

In the meantime, there shall be stay to the proceedings before the trial Court.

At this stage, learned counsel for the petitioner submits that this Court vide order dated 17-10-2024 in Writ Petition No. 2746/2024 has directed the trial Court to decide the proceedings within nine months from the date of receipt of copy of order. This time can be extended and will have to be extended considering the subsequent developments. Necessary order to that effect will be passed in due course.

Copy of order be served upon the trial Court.

(Anil L. Pansare, J.)

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