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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1438 OF 2004

Shantabai Sambha Horgar ...Appellant
V/s.
Malanbai Laxman Deshmukh ...Respondent

Mr.H.V. Kode, Advocate, for the Appellant.

CORAM : ABHAY S. OKA, J.
DATE : 28TH FEBRUARY, 2008.

P.C.:

1. Heard Advocate appearing for the appellant.
2. Second Appeal is admitted on the following substantial questions of law:-

(a). Whether the Appellate Court has completely ignored the presumption available in favour of existence of a legal marriage considering long standing cohabitation of the appellant with deceased Laxman till the date of death of the deceased Laxman?

(b). Whether the Appellate Court has completely ignored that the appellant had obtained Succession Certificate in her capacity as widow of Laxman in respect of the

retiral benefits payable to said Laxman?

(c). Whether the finding of the Appellate Court on the issue of existence of marriage between the appellant and the deceased Laxman is perverse?

3. Printing is dispensed with. Private paper-book to be filed within one year, failing which Appeal will stand dismissed for non-prosecution without further reference to the Court.

[ABHAY S. OKA, J.]