



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 4TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
WRIT PETITION NO. 13328 OF 2022 (S-KSRTC)

BETWEEN:

R KOMALA
W/O LATE RAMU
AGED ABOUT 55 YEARS
R/A TIMMAKKAJJI COMPOUND
NEAR RAVI DEPOT
7TH CROSS
BANASHANKARI
TUMKUR-572102

...PETITIONER

(BY SRI. M C BASAVARAJU., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR, KSRTC
CENTRAL OFFICES
K H ROAD
SHANTHI NAGAR
BANGALORE-560027
2. THE DIVISIONAL CONTROLLER, KSRTC
TUMKUR DIVISION
TUMKUR-572101
3. ANUSUYA
W/O LATE MURTHY
AGED ABOUT 46 YEARS
4. RANJITHA
D/O ANUSUYA
AGED ABOUT 26 YEARS

Digitally signed
by BELUR
RANGADHAMA
NANDINI
Location: HIGH
COURT OF
KARNATAKA



5. CHANDANA
D/O ANUSUYA
AGED ABOUT 25 YEARS

ALL ARE R/AT
RAMAKRISHNA NILAYA
3RD MAIN, 2ND CROSS
SHANTHINAGARA
NEAR OLD KAVERI SCHOOL
TUMAKURU - 572 102

...RESPONDENTS

(BY SRI. HAREESH BHANDARY T., ADVOCATE FOR R1
V/O DATED 20.08.2025, NOTICE TO R3 TO R5 ARE HELD
SF)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (i)
QUASH THE IMPUGNED ENDORSEMENT BEARING NO.
KARASA/TUVI/SIBBANDI/C-5/745/2022-23 DTD. 22.06.2022
ISSUED BY THE R-2 VIDE ANNEX-P. (ii) DIRECT THE R-2 TO
RELEASE THE TERMINAL BENEFITS OF THE DECEASED RAMU
IN FAVOUR OF THE PETITIONER UNDER THE FACTS AND
CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



ORAL ORDER

This Writ Petition is filed assailing the endorsement dated 22.06.2022 issued by respondent No.2 marked at Annexure 'P'. In terms of the said endorsement, respondent No.2 has declined to release the terminal/death benefits to the legal representatives of the deceased employee, namely Ramu.

2. The impugned endorsement reveals that, the suit in O.S.No.597 of 2021 is pending before the Court of learned III Additional Civil Judge, Tumkuru.

3. The learned counsel for the petitioner submits that the petitioner is the wife of deceased Ramu and the name of petitioner is shown as a nominee in the service records maintained by respondents No.1 and 2. The deceased Ramu, according to the petitioner, has two daughters from the petitioner.

4. To support the contention that the petitioner has two daughters, learned counsel for the petitioner would refer to Annexure-D, the copy of the plaint in O.S. No.597 of 2021.



5. The said suit was filed by one Anusuya and her two daughters. From the plaint, it is not forthcoming as to whether said Anusuya is claiming to be the first wife and asserting that the present petitioner, who is defendant No.1 in the said suit, is the second wife.

6. However, the learned counsel for the petitioner would also refer to the award dated 07.01.2019 passed by the Labour Court in I.D. No.16 of 2017. In the said proceeding, the order of termination pursuant to the domestic enquiry held against the deceased Ramu was called in question.

7. The domestic enquiry was held against him on the allegation that having contracted a marriage with the petitioner herein, deceased Ramu has again married said Anusuya, who is the plaintiff in O.S. No.597 of 2021.

8. Deceased Ramu had denied the charges and the claim of the deceased Ramu was allowed and the penalty of dismissal was set aside. The Labour Court has come to the conclusion that the second marriage with Anusuya is not established.



9. Referring to this judgment, learned counsel for the petitioner would urge that there is a finding that the petitioner is the first wife, as such, the petitioner is entitled to the service benefits of deceased Ramu along with her two daughters.

10. In addition, learned counsel for the petitioner would also refer to the fact that, the petitioner has been made as nominee by deceased Ramu in his service records. To substantiate the said contention, learned counsel would refer to Annexure-C dated 23.10.2021, wherein the name of the petitioner-R.Komala is shown as the nominee and the relationship with Ramu is shown as wife.

11. Learned counsel for respondents No.1 and 2 would urge that, the suit is pending before the learned III Additional Civil Judge, Tumkuru and unless there is an adjudication as to who are the legal representatives of the deceased Ramu, the service benefits cannot be released.

12. The respondents No.3 to 5 though served with notice are not represented.



13. The Court has considered the contentions raised at the Bar and perused the records.

14. Though the award was passed by the Labour Court and the domestic enquiry held by the respondent-Corporation would *prima facie* indicate that the petitioner is the first wife of deceased Ramu, there is no clear statement by Anusuya, who has filed a suit in O.S.No.597 of 2021 as to her status. In the said suit, Anusuya has only stated that both Komala and Anusuya are the wives of deceased Ramu.

15. The observations in the award passed by the Labour Court in a claim petition filed by deceased Ramu, on the marital status of the petitioner or Anasuya is not binding on Anusuya and her two children, as Anusuya and her two children were not parties to the said proceeding.

16. Learned counsel for the petitioner has disputed the status of Anasuya and her two children as wife and children of deceased Ramu.

17. The Civil Court has to adjudicate as to who is the first wife of deceased Ramu and has to adjudicate as to



whether Anasuya has two children from Ramu. Depending upon the finding on those questions the share of the parties would change. In case, petitioner is the first wife and respondents No.4 and 5 are children of deceased Ramu from respondent No.3, then, petitioner and her two children and respondents No.4 and 5 will have $1/5^{\text{th}}$ share each. In case, the petitioner is not the first wife of deceased Ramu, and respondent No.3 is the first wife and respondents No.4 and 5 are the children of respondent No.3 from deceased Ramu then, each of respondents No.3 to 5 and two children of petitioner will have $1/5^{\text{th}}$ share in the estate of deceased Ramu.

18. In case, the petitioner is the first wife of deceased Ramu and respondents No.3 to 5 are not related to deceased Ramu then, petitioner and her two children will have $1/3^{\text{rd}}$ share each.

19. In any case, the share of two children of petitioner cannot be less than $1/5^{\text{th}}$ each as respondents No.3 to 5 do not dispute the fact that petitioner has two children from deceased Ramu.



20. Under these circumstances, this Court is of the considered view that the respondent-Corporation could not have withheld the service benefits to the extent of 1/5th share each belonging to two children of Komala.

21. Respondents No.3 to 5 are plaintiffs No.1 to 3 in O.S.No.597/2021. Said respondents have not contested the petition. Thus, subject to the result of the pending suit in O.S.No.597/2021, this Court will tentatively pass an order to release 1/5th share in the service benefits of deceased Ramu in favour of the petitioner – Komala.

22. The petitioner shall furnish an undertaking before the Court in O.S.No.597/2021, that in case, the plaintiffs in the aforementioned suit succeed, then the petitioner will repay 1/5th share along with 6% interest per annum from the date of receipt of the said amount till repayment, which the petitioner would receive by reason of this order.

23. It is made clear that this order is passed in favour of the petitioner to the extent of her alleged 1/5th share without entering into the merits of her claim that she is the first wife of deceased Ramu.



24. Hence the following:

ORDER

- (i) The Writ Petition is ***allowed in part;***
- (ii) The respondent-Corporation shall release all the service benefits in favour of the petitioner-Komala to the extent of 1/5th share each, of her two children namely Chaitra, wife of Narendra Kumar and Bhavani, wife of Mahesh.
- (iii) The respondent-Corporation shall release all the service benefits in favour of the petitioner-Komala to the extent of petitioner's alleged 1/5th share subject to an undertaking to be furnished by the petitioner before the Court in O.S.No.597/2021 wherein the petitioner shall furnish an undertaking that in case the plaintiffs in the aforementioned suit succeed, then, the petitioner will repay 1/5th share which she would receive by reason of this order, along with 6% interest per annum from the date of receipt of the said amount till repayment.
- (iv) The 3/5th share with accrued interest, if any, shall be released within 30 days from the date of receipt of a copy of this order;



- (v) While releasing the said amount in favour of the petitioner, respondent No.2 shall obtain the consent in writing by Chaitra and Bhavani – petitioner's two children, referred to above.
- (vi) The remaining amount shall be kept in fixed deposit in any nationalized bank for a period of one year with auto-renewal mandate and the said amount shall be released, subject to the result in the aforesaid suit as indicated above.
- (vii) It is made clear that this Court has not expressed anything on the claim of either Anusuya or Komala in respect of their status and all the contentions are kept open
- (viii) This order of releasing the amount made in favour of the petitioner should not be construed as having reflected anything on the merits of the claim of the parties in the suit in O.S.No.597/2021 which is pending. The suit is to be decided based on the evidence to be placed before it.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

RK
List No.: 1 Sl No.: 25