



CNR: KAHC010350452025

NC: 2026:KHC:48535-DB
WA No. 859 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 859 OF 2025 (S-R)

BETWEEN:

1. KARNATAKA POWER CORPORATION LIMITED
(A GOVERNMENT OF KARNATAKA ENTERPRISES)
NO.82, SHAKTHI BHAVANA
RACE COURSE ROAD
BANGALORE-560001
REPRESENTED BY ITS HEAD LEGAL

...APPELLANT

(BY SRI. PRAMOD NAIR, SENIOR COUNSEL
ALONG WITH SRI. GAURAV RAMAKRISHNA FOR
SRI. BHARGAVA D BHAT, ADVOCATE FOR APPELLANT)

AND:

1. SMT VANAJAKSHI L NAIK
@ VANAJAKSHI MARUTI NAIK
W/O LATE MARUTI L NAIK
AGED ABOUT 51 YEARS
2. MR SRINIVASA MARUTI NAIK
S/O LATE MARUTI L NAIK
AGED ABOUT 30 YEARS
3. SMT RENUKA MARUTI NAIK
D/O LATE MARUTI L NAIK
AGED ABOUT 31 YEARS
4. SMT PARVATI MARUTI NAIK

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



CNR: KAHC010350452025

NC: 2026:KHC:48535-DB
WA No. 859 of 2025

D/O LATE MARUTI L NAIK
AGED ABOUT 27 YEARS

ALL ARE RESIDING AT
P F OFFICE ROAD
RAMAKRISHNA REDDY BUILDING
SINGASANDRA
BANGALORE-560068

...RESPONDENTS

(BY SRI. UMESH B N., ADVOCATE FOR R1 TO R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS IN WP No-30123/2019 ON THE FILE OF THE HONBLE HIGH COURT OF KARNATAKA AND SET ASIDE THE JUDGMENT AND ORDER DATED 25.03.2025 PASSED BY THE HON'BLE HIGH COURT OF KARNATAKA IN WP No-30123/2019 AND CONSEQUENTLY DISMISS THE WP No-30123/2019 (ANNEXURE-A).

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra court Appeal has been filed impugning the judgment and order dated 25.03.2025 passed by the writ Court in W.P.No.30123/2019, instituted by the respondents herein.

2. The short issue involved in this writ appeal is whether the respondent No.2 wife of deceased Maruti L. Naik. is entitled for



CNR: KAHC010350452025

the family pension in view of the two facts. Firstly there is no declaration by the competent Court that her marriage with Late Maruti L. Naik was void marriage and secondly the first wife as a result of compromise decree passed under Order XXIII Rule 3 between late Maruti L. Naik the first wife had given up all her claims in respect of movable and immovable properties of her husband. The writ Court having taken note of the facts that though there was no decree of dissolution of marriage between the first wife Mrs. Mahadevi and the employee late Maruti L. Naik, however, the parties had consciously admitted that the first wife Mrs. Mahadevi would not be entitled to the service benefits of late Maruti L. Naik and the respondent No.1 - Smt Vanajakshi L. Naik. had obtained succession certificate to claim the family pension, had directed the appellant employer to pay the arrears of the family pension and thereafter regular family pension to her.

3. Sri. Pramod Nair, learned Senior Counsel assisted by Sri. Gaurav Ramakrishna, learned counsel for the appellant has submitted that though the pension rules/scheme of the appellant do not provide that the family pension would be



CNR: KAHC010350452025

admissible to legally wedded wife, it is well settled proposition of law that to claim family pension, the wife should be legally wedded. He further submits that family pension is admissible to the persons, who are entitled under the Rules and the family pension cannot be bequeathed or gifted or parted with by a Will or otherwise by an employee. His further submission is that merely on the basis of succession certificate one cannot claim family pension. On the basis of the succession certificate the said person is otherwise, not entitled under the Rules to claim the family pension. In support of these submissions, he has placed reliance on the following judgments:-

- a. Divisional Personnel Officer Vs. Muthammal and Ors (S.A.No.2031/2000) Madras High Court.*
- b. Lalithambika S Vs.NIL (OP(C)No.1588/2014 Kerala High Court.*
- c. Smt. Violet Issac and Ors Vs. Union of India (1991SCC(1) 725 and*
- d. Raj Kumari Vs.Krishna (2015) 14 SCC 511.*

4. The pension scheme of the Appellant-Corporation does not provide that the wife should be a legally wedded wife. In the present case, considering the peculiar facts and circumstances of the case, when the first wife had entered into



CNR: KAHC010350452025

a compromise decree with her late husband, and she had given up her claims and entitlement in respect of the movable and immovable properties including the pensionary benefits of her late husband and there is no declaration by any competent Court that the marriage of the respondent with late Maruti L. Naik was a void marriage. We are of the view, that the learned Single Judge has taken the correct view on the matter, which requires no interference by this Court. Thus, we ***dismiss*** this writ appeal. but however, without costs.

5. Pending I.A.(s) if any, stand disposed of.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(H.SHANTHI BHUSHAN)
JUDGE**

NG
CT:SN
List No.: 2 SI No.: 8