



CNR: KAHC010421672026

NC: 2026:KHC:55783
WP No. 19180 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 19180 OF 2026 (S-RES)

BETWEEN:

SMT. GAYATHRI K.S.,
W/O LATE SADASHIVA K.S.,
AGE ABOUT 38 YEARS,
R/O QUARTERS NO.205,
"TUNGA", 2ND FLOOR,
POLICE LANE,
NEAR MUNISHWARA TEMPLE,
PANDESHWARA,
MANGALURU - 575 001.

...PETITIONER

(BY SRI. HARISH N.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME,
NO.233A, 2ND FLOOR,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DIRECTOR GENERAL OF POLICE,
NO.02, POLICE HEADQUARTERS,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

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by VIDYA G R
Location:
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3. THE COMMISSIONER OF POLICE,
MANGALURU CITY,
MANGALURU - 575 001,
DAKSHINA KANNADA DISTRICT.

...RESPONDENTS

(BY SMT.MAMATHA SHETTY, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION, IN THE NATURE OF WRIT, QUASHING THE ENDORSEMENT BEARING NO.SIBBANDI-2/18/COP/2025 DATED 16.04.2026 AND ENDORSEMENT BEARING NO.SIBBANDI-2/188/COP/2025 DATED 18.04.2026 BOTH ISSUED BY THE RESPONDENT NO.3, WHICH ARE PRODUCED AND MARKED AS ANNEXURE-U AND ANNEXURE-V TO THE WRIT PETITION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

1. The present petition has been filed by one Smt. Gayathri claiming to be the wife of the deceased employee Sadashiva K. S.



2. The facts that are made out are that the deceased Sadashiva K. S. had entered into a wedlock with one Shrilatha and in M.C.No.106/2006, decree was passed dissolving the said marriage by order dated 01.12.2006. It is further made out that Shrilatha had filed MFA No.3642/2007 challenging the judgment passed in M.C.No.106/2006 and there was a stay of the decree of divorce.

3. Learned counsel for the petitioner further submits that, eventually, the order granting divorce of the marriage between Sadashiva and Shrilatha has been set aside. It is further submitted that Shrilatha predeceased Sadashiva K.S. and Sadashiva subsequently died on 17.04.2025. Meanwhile, it is submitted that the deceased Sadashiva K.S. is stated to have entered into wedlock with the petitioner herein.

4. It is not in dispute that from within the wedlock of Sadashiva and Shrilatha, a son was born, who is stated



to be a major. As of now, it is undisputed that there are three minor daughters from the wedlock of Gayathri and late Sadashiva K.S. It is further submitted that the said wedlock is not in dispute and is evidenced by the nomination made of Gayathri as the nominee in the service records of the late Sadashiva. Such facts are not in dispute. However, insofar as the claim of family pension is concerned, the claim is that the petitioner in the capacity of a nominee.

5. At the time of hearing of the matter, learned Government Advocate would point out that there is a rival claim by the son from the wedlock between Shrilatha and late Sadashiva K.S. Accordingly, the authority had directed the petitioner to approach the Civil Court and obtain a succession certificate.

6. It is to be noticed that, admittedly the claim is by the children from the wedlock between Gayathri and Sadashiva. Irrespective of the proof or otherwise of such



marriage such observation is made in light of contestations and litigations and even if they are taken to be children from a second wife, the children born from the wedlock of Gayathri and late Sadashiva would be legitimate children in light of Section 16 of the Hindu Marriage Act.

7. The only question remains is as regards the entitlement to family pension. Under Rule 8(C) of the Karnataka Government Servants Family Pension Rules 2002, minor children are entitled to family pension.

8. Admittedly, Manish, the son born from within the wedlock of Shrilatha and Sadashiva, has attained majority and is aged about 19 years.

9. At the time of hearing, the learned counsel for the petitioner has filed a memo to the effect that the petitioner has no objection if the right of family pension is considered insofar as the children named in the memo.

10. In light of the same, taking note of Rule 8(C), it would be appropriate to allow the petition subject to



certain observations. The endorsement at Annexures-U and V are set aside. The respondent No.3 is directed to grant order of family pension in favour of children of the petitioner, namely Kum.Sagari K.S., Kum. Shree Nidhi K.S., and Kum. Sanidhya K.S., as referred to in the memo. Such order passed is without any conclusive adjudication, and any party who is aggrieved by such order is at liberty to seek for appropriate relief in duly constituted proceedings before the Civil Court.

11. Accordingly, the writ petition is ***disposed of***.

12. Needless to state, if the son from the first wedlock is found to be a minor as on date, the respondents are entitled to distribute the pension equally amongst all the children.

13. The contention regarding the entitlement of compassionate appointment is kept open for the present. The respondent to take steps to release family pension



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within a period not later than one month from the date of receipt of copy of the order.

14. Pending IAs, if any, stand disposed of accordingly.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

SKS