



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

123

CR-6022-2026 (O&M)

Date of decision:27.08.2026

Smt. Chetna Trivedi

.... Petitioner

Versus

Reserve Bank of India through its General Manager and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sanjiv Sheoran, Advocate,
for the petitioner.

HARSH BUNGER J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 16.04.2026 (Annexure P-4) passed by learned Civil Judge (Junior Division), Chandigarh and also the order dated 09.07.2026 passed by the learned Additional District Judge, Chandigarh.

2. Briefly, the petitioner-plaintiff (Chetna Trivedi) filed a suit for declaration, wherein the following prayer was made:-

“It is, therefore, respectfully prayed that this Hon’ble Court may be please to pass a decree of declaration to the effect that on the basis of last wish of Late Sh. Akhilesh Trivedi vide email dated 18.12.2022, plaintiff is entitled to succeed to 50% share in the estate left behind by deceased including Ex-Gratia amount of Rs.64,73,848/- (approx.) and that the plaintiff is custodian of balance 50% share till daughter of deceased



attains the age of 18 years and further grant her consequential relief; AND,

Further pass a decree of permanent injunction restraining defendant No.1 to 3 from releasing Ex-Gratia Grants of late Sh. Akhilesh Trivedi in favour of defendant No.4. OR

To grant any other relief to the plaintiff to which the plaintiff may be found entitled under the facts and circumstances of the case in addition to costs of the litigation.

It is further prayed that during pendency of present suit, the defendant Bank be restrained from making payment of Ex-Gratia Grant to defendant No.4, in the interest of justice.”

2.1 The aforesaid suit was filed by the petitioner-plaintiff on the plea that her son, namely, Akhilesh Trivedi, who was working as Assistant Manager in CRPC, RBI Chandigarh, committed suicide on 18.12.2022 at RBI's Flat No.136 B, Sector-51, Chandigarh, due to mental trauma/mental harassment from his wife, namely, Sumedha Trivedi (respondent No.4).

2.2 It is the case of the petitioner-plaintiff that before committing suicide, her son Akhilesh Trivedi had sent email/note to her sister, namely, Ms. Sonali Trivedi as regards the reason for committing suicide on 18.12.2022, which reads as under:-

“After much thought I m forced to take this decision.. sumedha has put in much mental trauma which has forced me to take this decision... humne har tarah se chezein sahi krne ka try Kiya.. all in vain., all my money shall be equally divided with my mother and daughter.. daughter shall be eligible for money once she turns 18.. till then my mother will be guardian of that money... At last... um dry mummy.. Sonu... I love u”



2.3 As per the petitioner-plaintiff, Akhilesh Trivedi committed suicide on account of mental trauma caused to him by his wife Sumedha Trivedi (respondent No.4) and that as per the said suicide note, Akhilesh Trivedi had stated that after his death, his mother i.e. the present petitioner-plaintiff and his daughter would be equally eligible for all his money and further that his daughter shall be eligible for the money when she turns 18 and till then the present petitioner-plaintiff will be the guardian of that money.

2.4 It is the categoric case of the petitioner-plaintiff that since her son has committed suicide due to the mental harassment on the part of his wife (respondent No.4), therefore, she is debarred from succeeding to the estate of Akhilesh Trivedi. It is further stated that the petitioner-plaintiff's daughter, namely, Sonali Trivedi has filed a complaint dated 19.12.2022 before the SHO, Police Station Sector-49, Chandigarh, whereupon a case FIR No.38 dated 11.05.2023 has been registered under Section 306 IPC against Sumedha Trivedi (respondent No.4).

2.5 The petitioner-plaintiff claims that in respect of the aforesaid occurrence, she has already sent a letter dated 20.12.2022 to the defendant-bank that any settlement procedure in respect of her son (Akhilesh Trivedi) may not be initiated/finalized in favour of his wife-Sumedha Trivedi (respondent No.4) as the criminal case was pending against her.

2.6 It is the case of the petitioner-plaintiff that despite the aforesaid suicidal death, the bank has processed the case for grant of ex-gratia grants in favour of Sumedha Trivedi (respondent No.4).



2.7 The petitioner-plaintiff claims that the decision of the bank for making ex-gratia amount of Rs.64,73,848/- in favour of Sumedha Trivedi is illegal, arbitrary, unjust and contrary to the provisions of Section 25 of the Hindu Succession Act, 1956 (in short "1956 Act"). It is averred that respondent No.4 is disqualified from inheriting/succeeding to the estate of her husband and is not entitled to the ex-gratia amount in the wake of Section 25 of the 1956 Act.

2.8 It is stated that the petitioner-plaintiff got served a legal notice dated 05.04.2023 upon the bank to stop the process of making final payment of ex-gratia amount to respondent No.4-Sumedha Trivedi. However, it is stated that in response to the aforesaid legal notice, the petitioner-plaintiff has been verbally informed by defendants No.1 to 3 to obtain a succession certificate in respect of dues of Akhilesh Trivedi, failing which the dues would be released to his widow i.e. respondent No.4 (Sumedha Trivedi).

3. In the aforementioned circumstances, the suit has been filed by the petitioner-plaintiff seeking relief as noticed above.

4. Respondent No.4-Sumedha Trivedi appeared before the learned trial Court and submitted her written statement opposing the stand of the petitioner-plaintiff *inter alia* on the plea that her married life became hell due to interference of her sister-in-law, namely, Sonali Trivedi and that the FIR No.38 dated 11.05.2023 has been got registered with an ulterior motive by Sonali Trivedi after five months of the incident, so that the benefits are not released in favour of respondent No.4. It is alleged that all the utensils of the house, car, motorcycle etc. belonging to Akhilesh Trivedi as well as the



jewellery of respondent No.4 have been taken by Sonali Trivedi and now they are having evil eye on the gratuity and compassionate funds. It is further stated that respondent No.4 is entitled for payment of entitled dues as per her nomination in terms of Section 6(5) of the Payment of Gratuity Act, 1972. The other averments in the plaint were denied and prayer for dismissal of the suit has been made.

5. Even defendants No.1 to 3 have filed their separate written statement, wherein in para 12, the following averments have been made:-

“12. It is submitted that in the present case, one of the nominees (daughter of the deceased employee) of late Sari Akhilesh Trivedi, is a minor. Accordingly, the provisions mentioned under Section 6(a) of the Hindu Minority and Guardianship Act, 1956 would be attracted in the present matter, which provides that in the case of a boy or an unmarried girl, the father, and after him, the mother, are the natural guardians in respect of the minor's person as well as in respect of the minor's property. Since mother is the natural guardian of the minor nominee, it was proposed by the answering defendant in release the benefits (other than ex-gratia) to the mother on behalf of the minor nominee against submission of a declaration cum indemnity by the mother. As regards the ex-gratia amount, since it is payable only to the spouse of the deceased as per extant instructions of the answering defendant, it was proposed to be paid in the spouse of the deceased employee in the first instance. Thus, in view at the legal and factual position stated above, the answering defendant had taken decision to release the amount related to Gratuity. Compassionate Gratuity, Medical Assistance Fund Scheme. Salary Arrears and Ordinary Leave Encashment in accordance with the nomination made by



the deceased employee and the manner prescribed under Section 6(a) of the Hindu Minority and Guardianship Act, 1956 related to the minor child, against submission of a declaration cum indemnity bond. As regards ex-gratia amount, the answering defendant had taken a decision to release the same to the spouse of the deceased. The details of the amount and proposed payments are set out hereunder:

Sr. No.	Particulars	Amounts (in)	Proposed Payments
1.	Gratuity	5,09,840/- (approx)	Gratuity amount is proposed to be deposited with the Controller of Gratuity, in accordance with the provisions under the Gratuity Act.
2.	Compassionate Gratuity (includes 25% share of minor nominee)	Rs.2,42,148/-	a. 50 per cent of Compassionate Gratuity has been paid to Smt. Sumedha Trivedi (wife of Late Shri Akhilesh Trivedi) on May 18, 2023 including 25 per cent share of minor nominee. b. Remaining 50 per cent is proposed to be paid to Smt. Chetna Trivedi (mother of Late Snn Akhilesh Trivedi)
3.	Salary Arrears for the month of December 2022 (after deductions)	Rs.58,876.06/- (approx.)	a. 50 per cent salary arrears is proposed to be paid to Smt. Sumedha Trivedi which includes 25 per cent share of minor nominee. b. Remaining 50 per cent is proposed to be paid to Smt. Chetra Trivedi.
4.	Ordinary Leave Encashment	Rs.5,40,797/-	a. 50 per cent of OL encasment is proposed to be paid to Smt. Sumedha Trivedi which includes 25 per cent share of minor nominee.
5.	Ex-Gratia (approx.) (Including loan waiver of 5 lakh)	Rs.64,73,848/- (if Bank's allotted) or, Rs.72,00,292/- Bank's flat not allotted)	Whole amount of ex-gratia is flat proposed to be paid to Smt. Sumedha Trivedi (wife of (if Late Shri Akhilesh Trivedi



**Amounts of Rs.40,000/- (Medical Assistance Fund Membership) and Rs.17,000/- (Meal Coupons recovery) is required to be deducted from the above dues.”*

6. Alongwith the aforesaid suit filed by the petitioner-plaintiff, application under Order 39 Rules 1 and 2 read with Section 151 CPC had also been filed for restraining defendants No.1 to 3 from releasing the ex-gratia grant of Akhilesh Trivedi (since deceased) in favour of respondent No.4-Sumedha Trivedi.

7. The aforesaid application was also opposed by respondent No.4 (Sumedha Trivedi) by filing her reply.

8. The learned Trial Court, upon considering the matter, dismissed the stay application filed by the petitioner-plaintiff, vide order dated 16.04.2026 (Annexure P-4) by observing as under:-

“12. Heard and it transpires that the deceased namely Akhilesh Trivedi was an employee of defendants No.1 to 3 and at the time of his payment, he had by virtue of Annexure 1 made nominee of 50% share in his Group Saving Insurance Scheme and Group Term Life Insurance Policy to his mother and 25% share each to his wife defendant No.4 and child Advika Trivedi. However, on 28.05.2021, he had also made nomination pertaining to his gratuity in the same proportion as can be seen from Page No.4 of Annexure P1. Although, by virtue of guidelines pertaining to Compassionate Package for the dependents dated 15.04.2009, spouse has also been granted a right pertaining to financial and other benefits but the same is not the absolute rule and she had been granted the same as a matter of first right and subject to the claim of person next of kin in exceptional circumstances. In the present case, the employee



of defendants No.1 to 3 had expired during his employment and he had implicated defendant No.4 as the abettor of his suicide. But, Section 25 of Hindu Succession Act stipulates that a person who commits murder or abets the commission of murder shall be disqualified from inheriting the property of the person murdered. But the term "abetment to suicide" (punishable under Section 306 of the IPC/Section 108 of the BNS) is not legally synonymous with "abetment of murder". Under Indian Penal Code murder (Section 302 IPC) and abetment to suicide (Section 306 IPC) are distinct offenses with different ingredients. Hence, even if the accused/defendant no 4 is convicted for abetment of suicide of deceased husband, she is not disqualified by virtue of Section 25 of Hindu Succession Act.

13. The term 'Murderer' does not also include the term abetment of a suicide, so an abettor does not get excluded from inheriting the property of a deceased. It is admitted position that an FIR against respondent No.4 is pending for trial in the court in which charges under Section 306 of IPC has already been framed and there is no alternate charge of Section 302 IPC. So, the benefit of inheritance from the deceased cannot be stopped to the defendant No.4. Similarly, the RBI guidelines as well as nominee form filed by the deceased provides a share out of gratuity to be provided by defendant No.4 being legal heir. Although, it is settled law that by merely being the nominee, a person cannot be said to be a legal heir or having a specific right to get the property as laid down. It has been held in case of Ramesh Chandra vs Leela Devi 2024:Rj-Jd:7713 by Hon'ble Rajasthan High Court that a mere nomination made under section 39 of the Act does not have the effect of conferring on the nominee any beneficial interest in the amount payable under the life insurance policy on the death of the assured. The



nomination only indicates the hand which is authorized to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy, The amount; however, can be claimed by the heirs of the assured in accordance with the law of succession governing them.

14. But in present case, it is pertinent to mention that defendant No.4 is not merely a nominee but also a Class-I Legal heir of the deceased. So, she has a pre-existing right in favour of the properties of her deceased husband. Hence, the contention that defendant No.4 is barred by Section 25 of Hindu Succession Act to inherit the property is not prima facie disclosed and is hereby dismissed.

15. However, it was also the contention of the plaintiff that the deceased prior to his suicide had also sent an email Annexure P1 wherein he had bequeathed his property equally in her name and in his daughter namely Advika Trivedi. So, by virtue of that email, an unregistered Will has executed in her favour and by virtue of it, she is entitled for the 50% amount of the gratuity and 50% of the gratuity in favour of her grand daughter. But in the present case, the grand daughter has not been impleaded as a party. Moreover, the case is at initial stage. The alleged email has been sent on the very date of his suicide and it is to be shown by virtue of evidence as to whether the same was sent prior to his suicide or after it.

16. However, it is also pertinent to mention that charges against defendant No.4 on the basis of email has already been framed and trial is undergoing for offence under Section 306 of IPC. It prima facie shows at this juncture that the email had been sent prior to the commission of suicide.

17. But it is pertinent to mention that for a document being admissible as a Will, it needs to be attested by two attesting



witnesses which was not present in the email. This lacuna has to be explained and removed during the evidences, as per rules. Hence, at this juncture, the email dated 18.12.2022 cannot be considered and admissible Will. Therefore, in this scenario, the same will not interfere in the natural course of inheritance as per the provisions of Hindu Succession Act already discussed. Therefore, the plaintiff had miserably failed to show even a prima facie case in her favour and as gratuity amount is monetary in nature and if released in favour of defendant No.4, she will not suffer irreparable loss as if her case succeeds the same can always be claimed back as per rules along with interest. Therefore, balance of convenience also does not lie in her favour.

18. Hence, as a sequel of above, application stands disposed of as dismissed. This goes without saying that nothing stated herein above shall have any effect on the merits of the case. Now to come upon 20.05.2026 for filing replication, if any, otherwise for framing of issues.”

9. The aforesaid order dated 16.04.2026 passed by the learned trial Court has been further affirmed by the learned Additional District Judge, Chandigarh, vide the order dated 09.07.2026 (Annexure P-5), the relevant extract of which, reads as under:-

“13. The whole case of the appellant/plaintiff rests upon the email dated 18.12.2022, vide which deceased Akhilesh Trivedi had purportedly written to his real sister Sonali Trivedi that all his money shall be equally divided between his mother and daughter. In these circumstances, the sole question before the learned Trial Court at the time of adjudication upon the application under Order 39 Rule 1 & 2 read with Section 151 of CPC was as to whether the said e-mail could be treated as unregistered Will. In this context, it is observed that the said e-mail at the face of it cannot be treated as a last testimony



disposition of deceased Akhilesh Trivedi at this stage of the case as the said e-mail is made on the very same date of suicide and it has to be proved on record that under what circumstances the said e-mail was sent and the time of the e-mail. Even otherwise for a document to be admissible as a Will, two attesting witnesses are required, which are not present in the said e-mail. All these circumstances were taken into account by the learned Trial Court, which has passed a reasoned and well detailed order. Since, respondents/ defendants No.1 to 3 bank is strictly acting as per its Bank's Extant Guidelines, therefore, appellant/plaintiff has failed to show any illegality in the same and hence, this court also comes to the conclusion that no prima facie case or balance of convenience lies in favour of the appellant/plaintiff. As far as irreparable loss is concerned, since the amount of gratuity or ex-gratia is quantified, therefore, there is no question of irreparable loss to the appellant/plaintiff.

14. The next question is regarding disqualification from inheriting the property to a murderer as contained under the provisions of Section 25 of the Hindu Succession Act is applicable to the facts and circumstances of the present case. The Trial Court while returning a categorical finding that Section 25 of the Hindu Succession Act is not applicable to the facts and circumstances of the present case, as the offence for which respondent/defendant No.4 is charged is Section 306 IPC which is abetment to suicide and she is not charged for abetment of murder. Both the said offences are distinct and different offences. Even if respondent/defendant No.4 is convicted for abetment of suicide of her deceased husband she is not disqualified in view of Section 25 of Hindu Succession Act.

15. In view of above discussion, this court reaches to the conclusion that the order passed by the learned Trial Court is well detailed reasoned order and no illegality could be found in the same."

10 In the aforementioned circumstances, the present civil revision petition has been filed.

11. Before this Court, learned counsel for the petitioner has raised only one submission that respondent No.4-Sumedha Trivedi is not entitled to the ex-gratia grants in relation to petitioner's son (Akhilesh Trivedi) in terms



of Section 25 of the 1956 Act as Akhilesh Trivedi had committed suicide on account of mental trauma caused by Sumedha Trivedi to him.

12. I have heard the learned counsel for the petitioner and perused the paper-book with his able assistance.

13. The above noticed facts are not disputed before this Court.

14. Here it would be apposite to refer to Section 25 of the 1956 Act, which reads as under:-

“Section 25 of The Hindu Succession Act, 1956

Murderer disqualified. *A person who commits murder or abets the commission of murder shall be disqualified from inheriting the property of the person murdered, or any other property in furtherance of the succession to which he or she committed or abetted the commission of the murder.”*

14.1 A bare perusal of the above extracted Section 25 of the 1956 Act, would reveal that a person who commits murder or abets the commission of murder shall be disqualified from inheriting the property of the person murdered.

15. Apparently, in the present case, the petitioner-plaintiff's son, namely, Akhilesh Trivedi, who was the husband of respondent No.4-Sumedha Trivedi, had committed suicide and a case under Section 306 IPC already stands registered. It is not disputed before this Court that under the Indian Penal Code, the offence under Section 302 IPC (murder) and the offence under Section 306 IPC (attempt to suicide) are distinct offences with distinct ingredients. Concededly, respondent No.4-Sumedha Trivedi has not been charged under Section 302 IPC.



15.1 Even as per the petitioner-plaintiff, Akhilesh Trivedi committed suicide and there is no allegation that Akhilesh Trivedi was murdered by respondent No.4-Sumedha Trivedi; within the statutory meaning, scope and ambit of word “murder” as defined in Section 300 IPC (Section 101 of the Bharatiya Nyaya Sanhita 2023).

16. This Court in *Jagdish Lal Sharma v. Nirmala, 2008 (4) SCT 776*, held that Section 25 of the 1956 Act would come into operation only in case the accused was convicted of the charge and not merely for being charged with the offence.

17. Considering the totality of the circumstances, I am of the considered view that Section 25 of the 1956 Act is not attracted to the facts and attending circumstances, so far as respondent No.4-Sumedha Trivedi (wife of deceased-Akhilesh Trivedi) is concerned.

18. No other argument has been raised.

19. In view of the above, I see no compelling reason, which may warrant interference by this Court in the present proceedings. Resultantly, the present civil revision petition fails and the same is accordingly, dismissed.

20. All the pending application(s), if any, shall also stand closed.

27.08.2026

dinesh

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No