

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

CWP No. 20057 of 2015

DATE OF DECISION :- September 21, 2015

Mandeep Kaur

...Petitioner

Versus

Union of India and others

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. G.S. Bal, Senior Advocate
with Mr. A.D.S. Bal, Advocate for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

1. Terminal benefit of late Kashmir Singh was the bone of contention between two wives namely, the Writ Petitioner and the 4th respondent herein.

2. Heard the submissions made by learned Senior Counsel appearing for the Writ Petitioner.

3. We find that there is a serious dispute as regards the validity of marriage of the petitioner with late Kashmir Singh, in the face of contention raised by the 4th respondent Smt. Sukhwinder Kaur, the alleged 1st wife of Kashmir Singh.

4. Against the background of such a dispute between the parties as regards their right to succeed to the terminal benefit of late Kashmir Singh, the learned Tribunal has rightly directed the petitioner to approach the Civil Court to obtain a Succession Certificate in order to make a lawful claim before the Authorities for receiving terminal benefits.

5. At this juncture, learned Senior Counsel appearing for the petitioner submitted that the claim of the petitioner being the 2nd wife of late Kashmir Singh was given up during the Review Application filed by her before the learned Tribunal. Inasmuch as, the children born to the petitioner through late Kashmir Singh had been admitted by the 4th respondent, there was no necessity to approach the Civil Forum to obtain a Succession Certificate, he contended.

6. We considered the above submission made by learned Senior Counsel appearing for the petitioner. We are of the considered view that the rights of the children born to the 2nd

marriage during the subsistence of the 1st wife have to be necessarily determined by the Civil Court before issuing a competent Succession Certificate.

7. In view thereof, we find that there is no error in the order passed by the learned Tribunal. Therefore, the Writ Petition fails and stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

September 21, 2015

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