

CWP-2062-2017(O&M)

Date of decision : 15.05.2017

Rahul vats and others

..... Petitioners

Versus

Punjab and Haryana High Court
Chandigarh through its Registrar
General

..... Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Anurag Goyal, Advocate for the petitioners.

Mr.Munish Kapila, Advocate for respondent.

SURYA KANT, J. (Oral)

Written statement filed on behalf of the respondent is taken on record.

2. Heard learned counsel for the parties.

3. Petitioners are the son and three daughters of late Sh. Gorakh Nath who retired as a District & Sessions Judge from State of Haryana on 22.01.1996. The controversy pertains to medical reimbursement in respect of the expenditure incurred on the treatment of late Sh. Gorakh Nath. The High Court has, on administrative side, asked the petitioners to produce succession certificate for the release of that amount. The petitioners, on the other hand, submit that there is no legal necessity to produce the succession certificate.

4. Having heard learned counsel for the parties, we are of the view that since the amount in dispute is not a huge one and all the four legal heirs of the deceased officer are petitioners before us, there is no legal impediment against the reimbursement of the amount without insisting for the succession certificate. It is true that one of us (Surya Kant, J.) on administrative side agreed with the office proposal for the production of 'succession certificate' but in view of the fact that all the four legal heirs of the deceased are before us, such a requirement can be dispensed with. Ordered accordingly.

5. Let the amount towards medical reimbursement be released either in favour of all the petitioners in equal share or in favour of petitioner No.1, if petitioners No. 2 to 4 have given in writing that they have no objection against the release of said amount in favour of petitioner No.1. The High Court shall do the needful within a period of one month.

6. Petition stands disposed of accordingly.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

May 15, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No