

In the High Court of Punjab & Haryana at Chandigarh.

RSA-3650-2015 (O&M)

Date of decision: 18.12.2017

Shagun Sharma and others

..... Appellants.

VS.

Asha Rani and others

..... Respondents.

RSA-3651-2015 (O&M)

Shagun Sharma and others

..... Appellants.

VS.

Asha Rani and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Rakesh Chopra, Advocate
for the appellants.

Mr. V.B.Aggarwal, Advocate
for respondent No.1.

Mr. Dhruv Dayal, Advocate
for respondents No. 2 to 4.

RAJBIR SEHRAWAT,J.(ORAL)

This order shall dispose of abovesaid two appeals bearing RSA Nos. 3650 and 3651 of 2015. Both these appeals have been filed by the son and daughters of late Kewal Krishan, aggrieved against the concurrent judgments and decrees passed by the Courts below, whereby the claim of the appellants herein, qua the retiral benefits of their father was rejected.

The appeal bearing RSA No. 3650 of 2015 arises from the suit filed by Asha Rani, claiming the retiral benefits of deceased-Kewal Krishan.

On the other hand, appeal bearing RSA No. 3651 of 2015 arises from an

application moved under Section 372 of Indian Succession Act for grant of succession certificate, by the present appellants, who were the defendants in the suit filed by Asha Rani. After the issues were framed, both the suits were clubbed together for the purpose of evidence. A single decree was passed by the learned trial Court. However, aggrieved against the judgment and decree, the present appellants filed two different appeals before the Lower Appellate Court. The Lower Appellate Court dismissed both the appeals. Hence, the present two appeals have been filed by the son and daughters of Kewal Krishan.

However, for the convenience, the parties herein would be referred to as plaintiffs and defendants as they were described in the original suit filed by Asha Rani.

The brief facts of the case are that respondent No.1 herein -Asha Rani alongwith her sons filed suit claiming that Kewal Krishan was working as a Head Cashier in the office of defendant No.3 i.e. PSPCL, who was under the control of defendants No.1 and 2. It was pleaded that Kewal Krishan expired on 13.06.2009. It was further pleaded in the suit that earlier Kewal Krishan was married with Sapna Sharma and from their wedlock, three children (the present appellants) were born. However, on 10.04.2005, Kewal Krishan, obtained divorce from his wife. Thereafter, Kewal Krishan had performed second marriage with plaintiff Asha Rani on 06.05.2006 which was also got registered on 06.11.2007, with the Registrar of Marriages, Sangrur, under the Hindu Marriage Act. It was also pleaded that earlier plaintiff Asha Rani was the wife of one late Manoj Sharma and from their wedlock, two sons, namely, Yogesh Sharma, and Deepak Sharma (who are co-plaintiffs with Asha Rani in the present case) were born. It was

further pleaded that after the marriage, plaintiff Asha Rani was residing with Kewal Krishan and defendants No. 4 to 6, the present appellants, were residing separately with their mother Sapna Sharma. The present appellants/defendants No. 4 to 6 were not dependent upon Kewal Krishan. It was further pleaded that the plaintiffs in the present case were the only members of the family of Kewal Krishan, therefore, they alone are entitled to get all the service benefits of Kewal Krishan on compassionate ground. The plaintiffs had requested the defendant-Board to release the payment of service benefits of Kewal Krishan; but the defendant-Board is delaying the matter without any cause. The defendants No.2 and 3 were threatening to release the service benefits to defendants No. 4 to 6 (present appellants), who are illegally and wrongly claiming themselves to be the only legal heirs of Kewal Krishan.

Upon issuance of notice, defendants No. 1 to 3 appeared and filed their written statement. It was averred that suit filed by the plaintiffs was not maintainable. On merits, it was admitted that deceased Kewal Krishan was employed as Head Cashier in the office of defendant No.3 and earlier he was married with Sapna Sharma. It was further admitted that he obtained divorce from his wife Sapna Sharma, however, it was denied that after divorce, the first wife i.e. Sapna Sharma was left with no interest with Kewal Krishan. The factum of registration of marriage of Kewal Krishan and Asha Rani has also been denied. It was further denied that the plaintiffs were residing with Kewal Krishan and were dependent upon him or that the plaintiffs are the only dependent members of Kewal Krishan for the purpose of getting service benefits. Still further, it was pleaded by the departmental authorities that the plaintiffs were not entitled to get the service benefits of

deceased Kewal Krishan. In the end, it was pleaded that another representation from the first wife of Kewal Krishan has been received, therefore, the matter was being considered by defendants No. 1 to 3.

Defendants No. 4 to 6 filed separate written statement taking up the legal objections that suit of the plaintiffs was not maintainable. It was further averred by defendants No. 4 to 6 (the present appellants) that the plaintiffs have not come to the court with clean hands and they have suppressed the material facts from the Court. On merits, it was admitted that Kewal Krishan had earlier married with Sapna Sharma and that the marriage was dissolved by way of divorce decree dated 10.04.2005. It was further averred that the marriage between Asha Rani and Manoj Sharma was never dissolved by decree of divorce, therefore, there was no question of marriage by Asha Rani with Kewal Krishan during the life time of her first husband Manoj Sharma. It was further pleaded that Kewal Krishan never contracted any marriage with Asha Rani and the plaintiffs never resided with Kewal Krishan as alleged. It was further pleaded that the plaintiffs have no concern with the deceased Kewal Krishan. Defendants No. 4 to 6 are the only legal heirs of the deceased Kewal Krishan and they are the only persons, who are entitled to receive retiral benefits of the deceased Kewal Krishan.

As mentioned above, defendants No. 4 to 6 in the suit had also filed a separate application under Section 372 of Hindu Succession Act for grant of succession certificate qua Kewal Krishan. In that application, the plaintiffs in the present suit, had filed an application for their impleadment as a party. Accordingly, they were impleaded as party. The plaintiffs, in the present suit, filed written statement in the application filed by defendants No. 4 to 6 for obtaining succession certificate. In that case also, the

pleadings taken by the present plaintiffs, were again reiterated in the written statement to the application filed by defendants No. 4 to 6.

Since, the issues involved in both the cases were same, therefore, the trial Court clubbed both the cases and recorded the common evidence in both the suits.

After pleadings of the parties, the trial Court framed issues in the suit which are as under:-

1. Whether plaintiff Asha Rani is legally wedded wife of Kewal Krishan and her marriage with Kewal Krishan stands registered?OPP
2. Whether Asha Rani plaintiff did not obtain divorce from Manoj Sharma? OPD
3. Whether plaintiffs are entitled to receipt of service benefits on account of death of Kewal Krishan?OPP
4. Whether defendant No. 4 to 6 are not entitled to receipt of any pensionary benefits on account of death of Kewal Krishan?OPP
5. Whether the suit is not maintainable in the present form?OPD
6. Whether the plaintiffs have no cause of action and locus standi to file the present suit?OPD
7. Whether the plaintiffs have not come to the Court with clean hands?OPD.
8. Whether the defendant No. 1 to 3 are entitled to special costs as alleged in para No.4 of the legal objections?OPD 1 to 3
9. Relief.

Parties led their evidence to support their respective cases. In the oral evidence, the plaintiff examined DW1-Krishan Chand, DW2-Bhupinder Singh, Accountant, PSPCL (these persons are described as DWs because they were examined by plaintiff in the application where the

plaintiffs were added as defendants). Besides this Asha Rani herself appeared as PW1 in her plaint.

Beside this, no other witness was examined by Asha Rani. In the documents, plaintiff Asha Rani produced on record the marriage registration certificate Ex. P1, copy of the application moved for getting the ration card prepared is Ex.D1, register regarding receipt of this application for making ration card is Ex.D2 and ration Card itself is brought on record as Ex.D3. The death certificate of Kewal Krishan is produced as Ex.D4.

On the other hand, defendants No. 4 to 6, who were the applicant in the application for grant of succession certificate examined AW1-Pawan Kumar, AW2-Tara Chand Sarma and AW3-Mahadev Sharma who is the maternal grand-father of the present appellants (defendants No. 4 to 6). Beside this documents Ex. P1 to P11 were tendered in evidence by the present defendants/ appellants-applicants in the application for succession certificate to support their case.

After hearing the parties, the trial Court accepted the application moved by defendants No. 4 to 6 for succession certificate to the extent that defendants No. 4 to 6/applicants are also legal heirs of deceased Kewal Krishan. Accordingly, they were held entitled to the benefits of leave encasement, Group insurance etc. However, the remaining benefits were declined by the trial Court.

On the other hand, suit filed by the plaintiff Asha Rani and her two sons was also partly decreed. She was held to be legally wedded second wife of the deceased Kewal Krishan. She was held entitled to gratuity and pension of the deceased Kewal Krishan exclusively and also to get leave encasement and Group Insurance etc. alongwith defendants No. 4 to 6 in her

capacity as legal heir.

Aggrieved against the judgment and decree passed by the trial Court, both the sides filed their respective appeals. Defendants No. 4 to 6 filed appeal to exclude Asha Rani from getting the retrial benefits of Kewal Krishan. On the other hand, plaintiff Asha Rani filed appeal claiming entire retrial benefits of deceased Kewal Krishan, by excluding defendants No. 4 to 6.

However, the Lower Appellate Court dismissed the appeal filed by the present appellants and partly allowed the appeal filed by Asha Rani by adding one more benefit to which she was held entitled, namely, exgratia grant alongwith other benefits granted by the trial Court, namely, gratuity and pension.

The Lower Appellate Court upheld the findings recorded by the trial Court on the basis of the marriage registration certificate produced by plaintiffs. The Lower Appellate Court held that plaintiff Asha Rani has supported her claim by appearing as PW1 and also produced on record marriage registration certificate Ex. P1 which also bears the joint photograph of Kewal Krishan and Asha Rani. This witness was cross-examined at length. This witness has proved on record copy of the application moved by Kewal Krishan for preparing the Ration Card Ex.D1. Accordingly the Lower Appellate Court dismissed the appeal filed by defendants No. 4 to 6 and partly allowed the appeal filed by Asha Rani against the judgment and the decree passed by the Trial Court. Hence, the present two appeal(s) have been preferred by defendants No. 4 to 6 , who were the applicant in application moved for succession certificate.

While arguing the case, learned counsel for the appellants has

submitted that the appellants/defendants No.4 to 6 are only legal representatives of deceased Kewal Krishan. It is also submitted that plaintiff Asha Rani has failed to prove on record that she was legally wedded wife of Kewal Krishan. It is further submitted by him that plaintiff has neither pleaded the requisite ceremonies for performing her marriage with Kewal Krishan, nor the ceremonies have been proved on record. Hence, it is submitted by learned counsel that the marriage, by any means, have not been proved on record. Still further the counsel submits that certificate of marriage as Ex.P1 is no proof of marriage as such. It is submitted by learned counsel for the appellants that the said certificate is not even proved by examining any witness either from the office of Sub-Registrar or by examining anybody else. Still further, it is submitted by the counsel that the certificate otherwise also shows that it is not a genuine document. Regarding this certificate, the counsel further submits that original certificate has not been placed on record, although, the plaintiff Asha Rani had stated while tendering the affidavit in examination in chief, that she had brought the original certificate. However, neither the original certificate was brought at the time of the cross-examination of this witness; nor there is a certification recorded by the trial Court that the original was seen by the Court and thereafter, returned. Hence, it is submitted by the counsel that since the appellants/defendants were denied opportunities to cross-examine the plaintiff on the veracity of this certificate, therefore, the same cannot be read in evidence against them.

To buttress his claim, counsel has relied upon the judgment of Hon'ble Supreme Court rendered in 1971 AIR (SC) 1865 **in Sait Tarajee Khimchand and others vs. Yelamarti Satyam and others**, to contend that

merely marking of a document as an exhibit does not dispense with the proof of the same. Still further, this judgment is relied by the counsel to contend that the appellants were not required to prove the negative of the claim, that Asha Rani never married with their father Kewal Krishan.

Still further, the counsel has submitted that there was a specific issue framed regarding the fact that whether the plaintiff Asha Rani was legally wedded wife of Kewal Krishan or not and the onus to prove that fact was upon the plaintiff herself. However, no witness has been examined by the plaintiff to discharge this burden of proof of Asha Rani being legally wedded wife of the deceased Kewal Krishan. So far as the witness examined by the plaintiff is concerned, it is submitted by the counsel for the appellants/defendants No.4 to 6 that the witness has not even stated that he had seen plaintiff Asha Rani and deceased Kewal Krishan residing together as husband and wife; nor there is a deposition that villagers, co-villagers or neighbourers used to treat them as husband and wife.

Still further, it is contended that the document Ex. D2 i.e. the register containing the entries of receipt of application forms for getting the ration card prepared, admittedly, does not bear the signatures of Kewal Krishan; rather it bears the signatures of one of the sons of plaintiff Asha Rani from her earlier husband. It is further submitted that otherwise also the ration card has not been proved on record by examining any person from the department. Beside this, the counsel also relied upon the instructions issued by the State of Punjab dated 27.06.2000, to contend that the ration card cannot be used for any purpose other than the distribution of the ration to the eligible persons. Hence, it is submitted that this document itself is no evidence in so far as the relation between the plaintiff and Kewal Krishan as

husband and wife is concerned.

It is further submitted by the learned counsel for the appellants that reliance of the Courts below regarding the contradiction and weakness in the statement of AW3 is not properly placed. He has nowhere admitted the marriage of Asha Rani with Kewal Krishan; rather he has specifically denied the fact that Asha Rani was wife of Kewal Krishan. So far as the alleged non-specific denial of marriage by this witness is concerned, the counsel submits that the same are not relevant for the purpose of the case because in those suggestions the date of marriage suggested by the counsel for the plaintiff himself was 06.11.2007 whereas the date of marriage claimed by the plaintiff was 06.05.2006. Therefore, this witness has said that he does not know about any marriage on this date. Hence this would not prove the fact that any marriage of plaintiff had taken place with Kewal Krishan on 06.05.2006. The counsel has relied upon another judgment of this Court rendered in **2007 (3) RCR (Civil) 433 titled as Balwinder Kaur Vs. Gurmukh Singh**, to contend that unless the ceremonies of the marriage are proved, the marriage between two Hindus cannot be said to have been proved and further to contend that a certificate of the marriage is no proof of the factum of the marriage as such. Counsel further relied upon the judgment **titled as Leelamma Vs. Radhakrishan, 2005(2) Civil Court Cases 509** a judgment of Kerala High Court, and also on the point that ration card is not proof of the marriage.

In the end, learned counsel for the appellants submitted that one son and one daughter of the deceased Kewal Krishan were minors and even the third daughter was below 25 years of age. As per the relevant provisions of Punjab Civil Service Rules regarding the retiral benefits of the

deceased-employees, the minor sons and daughters, and daughter below 25 years of age, are entitled to the retiral benefits of the deceased including gratuity and the pension also.

Accordingly, it is submitted that they were the only persons who were entitled to receive all the retiral benefits of their deceased-father.

On the other hand, learned counsel for the respondents has submitted that the marriage of the plaintiff with Kewal Krishan has been duly proved by the certificate Ex.P1. It is submitted by him that once the certified copy of the marriage certificate is placed on record then the same is not required to be proved by examining any witness. To support his arguments, learned counsel relied upon the judgment of Hon'ble Supreme Court titled as **R.V.E. Venkatachala Gounder Vs. Arulmigu Viswesaraswami & V.P.Temple and others, 2003 (4) RCR (Civil) 704.**

The counsel has further submitted that in the present case, copies certified to be true copy by the Notary Public have been placed on record. Hence, the counsel relies upon the judgment of this Court rendered **in 1992 (1) RRR 422 titled as Banarsi Dass Banarsi Lal vs. Maman Chand,** to contend that Notary Public is not required to be produced as a witness in the Court to prove the authenticity of the document or the attestation. Still further, the counsel submits that since the original of the certificate Ex.P1 has been taken to the Court at one point of time and the certified copy has been placed on record, therefore, it shall be deemed as if the original has been proved on record. The counsel relies upon the judgment in case titled as **M/s Northland Traders vs. Bank of Baroda, 1995 (3) RRR, 655.**

Still further, the counsel relied upon judgment of the Hon'ble **Supreme Court** rendered in **2006 (3) RCR (C) 381 (Prem Singh and**

others vs. Birbal and others) to contend that once a document is registered, it means that it has been validity executed. To support his arguments, counsel has also relied upon the judgment in case titled as **Challamma vs. Tilaga and others, 2009 (3) RCR Civil 944**, to contend that once the man and a women are proved to be living together under the same roof for a long time then presumption of valid marriage can be drawn.

While referring to the evidence, the counsel has submitted that DW-1 Krishan Chand, the Depot holder of the area, has been duly examined to prove the ration card and also the application submitted with the signatures of the deceased Kewal Krishan for getting the ration card prepared. Still further, it is submitted that since AW3 examined by the defendants themselves, had not specifically denied the factum of marriage between Asha Rani and Kewal Krishan, therefore, it shall mean that he has admitted the factum of marriage. To buttress his claim further, the counsel has relied upon the examination of DW2-Bhupinder Singh, the Accountant of PSPCL.

Before this Court starts dealing with the respective arguments of the parties, it is pertinent to mention here that the claim of the plaintiff before the trial Court has been that the original Marriage Registration Certificate, Ex.P1 was with the plaintiff at the time when the affidavit of examination in chief was submitted before the Court, although, she had admitted that she was not having the original of that certificate Ex.P1 at the time of cross-examination. In view of the situation, the counsel was asked by this Court whether at all the plaintiff had the original of the certificate Ex.P1 or not. In response to that, counsel for the plaintiff/ respondents- herein has furnished two documents to this Court, one purporting to be the

original of the certificate Ex.P1 claimed to have been produced before the trial Court and another purported to be the copy of the same attested by the Notary Public. The third copy of the same document is already on record as Ex.P1 on the Court file. These two copies submitted by the counsel today are also taken on record as Mark A-which is claimed to be the original copy of the document and Mark B-which is claimed to be the copy attested by the Notary Public.

The significance of these documents would be discussed in the succeeding paragraphs.

Having heard the learned counsel for the parties and perusing the record with their able assistance, this Court is of the considered view that plaintiff Asha Rani has failed to prove her relationship as legally wedded wife of deceased-Kewal Krishan. The counsel for the appellants has rightly submitted that their father never married plaintiff Asha Rani. The fact that ceremonies of marriage, as required under the Hindu Law, were undergone by her, is neither pleaded in the pleadings, nor any evidence has been led on this point.

Hence the factum of ceremonies of marriage as required under the Hindu Marriage Act, has totally gone unproved on the part of the plaintiff. The sole reliance of the plaintiff to sustain the plea of being legally wedded wife of the deceased-Kewal Krishan is based upon the alleged certificate of registration of marriage, which is placed on record as Ex.P1. However, admittedly, the original of this certificate was not available on record. Neither there is any certification ever recorded on the file by the trial Court that it had seen the original and then returned the original to the plaintiff by retaining the photocopy of the same on the file. Still further, at

the time of evidence, copy of the original certificate is specifically questioned by the appellants herein. However the plaintiff had deposed that she did not have the original of certificate at the time of cross-examination. Hence, the appellants have been totally denied the opportunity either to see this document or to confront plaintiff Asha Rani qua the credentials of this certificate. Even, the Court has not recorded that it has seen the original of the certificate. Hence, this document is totally irrelevant for the purpose of the controversy involved in the present case.

Otherwise also a bare perusal of document Ex. P1 shows that although it purports to be a certificate of registration of marriage, however, it does not have any date of registration mentioned on it. Although the date of marriage is mentioned as 6th November, however, the column of year is totally blank on this certificate. Hence, by any means, this cannot be considered to be a valid document of registration. Otherwise also when compared with the original certificate, provided by the counsel today, marked as Mark A, shows that Mark A contains the year 2007 on the upper line of registration endorsement, whereas the copy, which is supplied today, marked as Mark B; contains the year 2007 on the lower line of endorsement of registration. Not only this, although the claimed original Mark A is having a hologram of registration on it, however, either on copy Ex.P1 or on copy Mark B, there is absolutely no presence of hologram, as should have been in the process of copying it. This shows that the document in question is a document of questionable integrity. Otherwise also; even the document i.e. Mark A; claimed to be original; is also only the photocopy on which hologram has been affixed. Still further, since, there is no year of registration in document Ex.P1 which was produced by the plaintiffs in the

first instance but this document Mark-A contains the year of registration as 2007, this shows that this document has been fabricated, probably, during the pendency of the present appeal. Otherwise, it is not possible that the year of endorsement is totally blank in the document Ex.P1, it is in the upper line on the endorsement of registration in document Mark A and it is on the lower line of endorsement of registration in document Mark B.

The counsel has failed to explain as to how in a Photostat process, the numbers and words can get added and can change their place, except through fabrication by plaintiffs.

Therefore this document appears to have been created by fabrication by the plaintiffs just to get the retiral benefits of the deceased.

Still another aspect, which needs to be considered in this case, is that admittedly the plaintiffs are the sons and daughter of the deceased Kewal Krishan from his first wife. Though the plaintiff Asha Rani claimed to be the second wife of Kewal Krishan, however, it is not even her claim that any issues were born after the wedlock of plaintiff with Kewal Krishan. Hence, the plaintiff is having two sons from her earlier husband. These two sons have been sought to be shown by her in the ration card alongwith Kewal Krishan by describing them as sons of Kewal Krishan. It is not even the case of the plaintiff that these sons were ever adopted by Kewal Krishan as his sons. Hence the ration card *per se* shows the manipulation by plaintiff Asha Rani and her sons. Still further, admittedly, the register in which the entries of receipt of application for preparation of the ration card are made, does not contain the signatures of Kewal Krishan. It has been admitted by the witness of the plaintiff that signatures on the register of applications for ration card; are only of the son of the plaintiff Asha Rani from her earlier

husband and not of Kewal Krishan.

Still further, the witness produced by the plaintiffs has admitted that Kewal Krishan never visited him to submit the application for preparation of the ration card. Although the signatures of Kewal Krishan are claimed by the plaintiffs to be on the application moved for preparation of ration card, however, the same has not been proved as required by the Evidence Act. Therefore there is nothing on record that Kewal Krishan ever moved any application for preparation of the said ration card. Otherwise also the relation between the two parties cannot be proved by the ration card. Their relation as husband and wife can be proved by proving the marriage. No other documentary or oral evidence was led by the plaintiffs to prove the factum of marriage.

So far as the judgment cited by learned counsel for the respondents/plaintiff are concerned, since the certificate Ex.P1 itself is of highly doubtful integrity, therefore, this by no means can be taken to be a proof of marriage. The plaintiff claimed that she has placed on record the certified copy of the marriage certificate. However, a bare perusal of the certificate Ex.P1 shows that it is not even the certified copy of the registration certificate; prepared as required under Section 76 of the Evidence Act. The document is claimed to be certified as true copy of the original only by the Notary Public. However, the Notaries Act, 1952 does not authorise the Notary to attest the marriage certificate between a man and the woman. This Act authorizes the Notaries only to attest and verify the 'instruments'. Section 2 (b) of the Notaries Act defines the "instrument" to say that it includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended,

extinguished or recorded. However, the certificate of registration neither creates any rights nor extinguishes any rights. This is only a record of a fact which might have taken place elsewhere. Therefore, by any means, the notary is not authorized to certify the certificate Ex.P1 to be a certified copy, for the purpose of Evidence as contemplated under Section 79 of the Evidence Act.

Resultantly the copy of certificate Ex.P1 claimed to be by the plaintiff to be a certified copy; is not even the certified copy of the document. Hence the judgments cited by the learned counsel for the appellants are of no help and the same are distinguishable keeping in view the facts of the present case.

Section 50 of the Evidence Act, makes the opinion of a person on relationship, between two other persons, a relevant fact. However, even in the oral evidence, no person has been examined who might have deposed that plaintiff Asha Rani and Kewal Krishan were ever residing as husband and wife or that the villagers or neighbours used to treat them as husband and wife. Even the witness DW1 Krishan Chand, the depot holder has not made this deposition in his testimony. He has only said that his house is in the vicinity of the house of Kewal Krishan. Beyond that he has deposed only regarding the aspect of the ration card and not regarding relationship of Asha Rani and Kewal Krishan. Hence, the testimony of this witness is not a testimony in terms of Section 50 of the Evidence Act. The plaintiff has not examined any other witness to adduce oral testimony to the factum of relationship between plaintiff and Kewal Krishan.

Hence except the certificate Ex.D1, there is absolute no evidence in the file to show that Asha Rani and Kewal Krishan were even

legally married. The document Ex.P1, is of extremely doubtful integrity, as stated above and, therefore, cannot be relied upon for any purpose.

No other argument is raised.

In view of the above findings, the judgments and decrees passed by the Courts below deserve to be set aside. The application filed by the appellant for being granted the certificate of succession of deceased Kewal Krishan deserves to be allowed. Accordingly, the same is allowed.

The suit filed by Asha Rani and others for claiming the retiral benefits of deceased Kewal Krishan, deserves to be dismissed. Accordingly, the suit filed by plaintiffs Asha Rani and others is ordered to be dismissed.

In view of the above, both the appeals are allowed in the above said terms.

(RAJBIR SEHRAWAT)
JUDGE

18.12.2017
smriti

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No