

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.5120 of 2016(O&M)

Date of Decision: 1.02.2017

Smt. Sahbo Devi

... Petitioner

Versus

Divisional Forest Officer, Jhajjar & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Vinod S. Bhardwaj, Advocate, with
Mr. Amir Singh Malik, Advocate,
for respondents No.4.

RAJIV NARAIN RAINA, J.(Oral)

Mr. A.S. Malik, Advocate appearing in person with his counsel Mr. Vinod S. Bhardwaj for respondent No.4 happens to be the father of the plaintiff-respondent No.4. The plaintiff was married to late Sanjeev Kumar Tomar, who unfortunately died in harness while serving the Government. A dispute arose regarding his pension and pensionary benefits. The mother-in-law is represented by Mr. Keshav Pratap Singh, Advocate. The dispute is between the mother-in-law and daughter-in-law. The plaintiff-daughter-in-law brought the suit against the State of Haryana claiming service benefits through her late husband. She did not implead her mother-in-law in the civil suit brought at Jhajjar. To cut the long story short since the case has a chequered history Mr. Malik is prepared to make a statement on behalf of his daughter that if she is held exclusively entitled to family pension of the deceased Government servant then he would give up his daughter's right to

other service benefits including GPF, GIS, Gratuity, Leave Encashment dues and any other savings of late Mr. Sanjeev Tomar. This is an honourable compromise by the father of the widow of late Mr. Tomar and the Court appreciates that this undertaking will bring peace to his family, henceforth, leaving no acrimony between the parties of the disputed benefits. Mr. Malik assures the Court that his daughter would remain bound by the statement made by the father in Court today to settle the issues in litigation of many years standing. The statement of Mr. Malik is taken as an undertaking to the Court. The file is closed.

The State of Haryana is directed to forthwith release the benefits to the respective parties in terms of the undertaking compromise the matter. The decree will stand modified accordingly. All pleadings in the suit etc. which were unnecessary, scandalous, frivolous or vexatious to the legal issues involved in the case, or would tend to prejudice and embarrass any of the parties to this litigation in the future shall stand struck off from the record in exercise of power under Order 6 Rule 16 of the Code of Civil Procedure, 1908.

1.02.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>