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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1128/2017 & CM Nos.5137-38/2017

GOVT OF NCT DELHI Petitioner

Through: Mr. Saurabh Chadha, Advocate

versus

KAMLESH KUMAR SHARMA AND ORS Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.02.2017**

The Tribunal, by the impugned order, has allowed OA No.4083/2012, with a direction that the death/retirement benefits of Late Sudha Sharma should be released to Kamlesh Kumar Sharma, her husband.

The petitioner did not dispute that Kamlesh Kumar Sharma was husband of Late Sudha Sharma.

The contention is Late Sudha Sharma had submitted two affidavits to the authorities. The first affidavit had stated that she was living separately from her husband, and that he had no right to claim over her private things. In the second affidavit she had stated that a divorce petition was pending. She had declared that her husband had no legal right, title or interest in her

movable or immovable property and assets.

Learned counsel for the petitioner, during the course of hearing, has accepted that the divorce petition never fructified into a divorce decree. This being the position, we do not think that Kamlesh Kumar Sharma can be denied the prayer as claimed. There are no other legal heirs who have claimed any legal right. The private respondent Nos. 5 to 7 before the Tribunal had neither claimed death and other retirement benefits nor opposed the OA on merits.

With the aforesaid observations, the writ petition is dismissed. The pending applications are also dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 10, 2017

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