

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

CWP-680-2017 (O&M)

Date of Decision: 20.09.2018.

Amar Singh

... Petitioner

Versus

Deputy Commissioner, Jalandhar and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sukhdev Singh, father of the petitioner in person.

Ms. Monica Chhiber, Sr. DAG, Punjab.

Mr. Arun William, Advocate,
for applicant in CM-6999-CWP-2017.

JITENDRA CHAUHAN.J.(ORAL)

CM-6999-CWP-2017

The application is allowed as prayed for. Applicant Harpal Kaur is impleaded as respondent No.3. Amended Memo of parties is taken on record.

Main case

By filing this civil writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to issue the dependent certificate in favour of the petitioner pertaining to his wife Kamaljit Kaur who died on 24.09.2016.

The petitioner is represented by his father. It is submitted that the petitioner solemnized marriage with Kamaljit Kaur on 22.12.2014 as per Sikh rights and rituals though the marriage was not registered in the office of Sub-Registrar, Jalandhar. Kamaljit Kaur was in the service of Punjab Police department. After her death, the

petitioner moved an application for release of her service benefits in his favour. The application was forwarded to Sub-Divisional Magistrate, Jalandhar who referred it to the Halqa Kanungo for verification and ultimately, the petitioner was found to be the only dependent of the deceased to claim the service benefits of deceased. Despite the reports (Annexures P-5 and P-5/A) made by Sub-Divisional Magistrate, Jalandhar, the Deputy Commissioner did not issue the dependent certificate in favour of the petitioner.

On the other hand, it has been submitted by the respondents that mother of late Kamaljit Kaur had filed an application dated 26.10.2016 for release of all the benefits in her favour being the nominee of the deceased.

It has been contended by Mr. Arun William, Advocate, counsel for respondent No.3, that the petitioner remarried after a few months of the death of Kamaljit Kaur.

Heard.

In **Sarbati Devi and others vs. Smt. Usha Devi 1984**

AIR 346, it has been held by Hon'ble the Supreme Court as under:-

“The nomination only indicates the hand which is authorised to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy. The amount however, can be claimed by the heirs of the assured in accordance with the law of succession governing them.”

Keeping in view the fact that the mother of the deceased is the nominee and that the petitioner has remarried, this Court feels that the mother of the deceased deserves to be given the service benefits of the deceased. Consequently, the present civil writ petition is dismissed.

20.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No