

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-923-2015(O&M)

Date of Order:14.12.2018

KAMLESH RANI AND ANR

..Appellants

Versus

RAJESHWARI DEVI AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gourav Jain, Advocate,
for the appellants.

Mr. Parveen Garg, Advocate,
for respondents no.1 to 4.

Mr. Puneet Bhandari, Advocate,
for respondent nos.5 and 6.

ANIL KSHETARPAL, J (Oral)

Plaintiffs-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below, dismissing their suit for declaration that they are entitled to ½ share in the pensionary benefits of late Shri Mohinder Singh, being widow and minor daughter.

From the facts, it is clear that Mohinder Singh first married with Rajeshwari Devi and 3 sons were born, namely, Shiv Kumar, Satish Kumar and Sudhir Kumar. Thereafter, he married with Kamlesh Rani and one daughter, namely Monika as also one son who later on died were born. During the life time of Mohinder Singh, Kamlesh Rani and Monika filed an application under Section 125 of the Code of Criminal Procedure claiming maintenance. Before the Judicial Magistrate where the proceedings were pending, parties entered into a settlement Ex.CX, which was signed by Mohinder Singh, Kamlesh Rani and Rajeshwari, whereby it was agreed that

pensionary benefits to which Mohinder Singh would be entitled to, as he was near to retirement, would be equally divided amongst Kamlesh Rani and Rajeshwari Devi. This compromise is the basis of the suit filed by the plaintiffs.

Defendants contested the suit and pleaded that plaintiff no.1 is not the widow of late Sh. Mohinder Singh because there was no marriage and Rajeshwari Devi is nominee.

Both the courts as noticed above, dismissed the suit on the ground that agreement Ex.CX cannot extinguish the rights of defendants no.1 to 4 Rajeshwari Devi and her sons and plaintiffs have no concern.

On 11.12.2018, after hearing arguments, case was adjourned to today enabling counsel representing defendants to seek instructions. Today, counsels for the parties after getting instructions from their respective clients have come to a consensus. It may be noticed that plaintiff no.1 (appellant no.1 herein) has also in the meantime died as submitted by learned counsel for the respondents.

Be that as it may, it has been agreed that all future pensionary benefits would be divided between Monika and Rajeshwari Devi in equal share.

In view of the consensus arrived at between the parties, the appeal is disposed of in the manner noticed above.

December 14, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No