

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

**RA-CW-363-2016 in
CWP-19602-2013
Date of decision: 21.09.2018**

Sukhwinder Kaur

.....Petitioner

versus

Punjab National Bank and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Saurav Verma, Advocate with
Mr.Akash Soni, Advocate for applicants-respondent nos.1 to 3
Mr.Kunal Dawar, Advocate for the non-applicants-petitioner

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

Respondents have filed this review application for review of the order dated 14.9.2016 passed by this Court in CWP No.19602-2013, whereby this Court has quashed the order dated 19.8.2013, passed by the respondents and directed the respondents to grant ex-gratia lump sum amount as per their policy Annexure P8. The payment was to be released within two months.

At the time of arguments plea has been taken in the said order, while computing the income of the petitioner, Rs.3000/- which was mentioned twice, has to be excluded. It is contended that at serial no.1, monthly income from the immovable property was mentioned as Rs.3000/- and at serial no.12 any other monthly income was also mentioned as Rs.3000/-. Both of which were excluded. With the result that the total income of the petitioner was reduced to Rs.6617/- which is less than Rs.8677/- i.e. 60% of the last drawn salary of the deceased and thus made the petitioner eligible for lump sum ex-gratia amount.

Learned counsel for the applicant-respondent Nos.1 to 3 has referred to the application for sanction of ex-gratia submitted by the petitioner herself

wherein the monthly income from the landed property is mentioned as Rs.3000/- to Rs.4000/-. It is stated that the bank took the monthly income at Rs.3000/- and if the same is added, the total income of the petitioner will exceed 60% of the last drawn salary.

Learned counsel for the non-applicant-petitioner on the other hand has refuted the same and stated that the application itself shows that three members of the family are mentioned in the application, including two major sons. The landed property is in the name of the sons. Income of the landed property is mentioned for all the family members. Therefore, it cannot be said that the said income is of the petitioner Sukhwinder Kaur widow of Bhag Singh deceased.

Bank has calculated the interest on the income @ 9.5% per annum which is also questionable.

I am of the view that while passing the order, everything was examined. Exclusive income of the petitioner was to be seen. There is nothing on record to show that the landed property stands exclusively in the name of the petitioner. Therefore, there is no illegality or infirmity in excluding income of Rs.3000/- from the landed property. Order was passed after hearing both the parties and there is no error apparent on the record warranting review of the order.

Resultantly, the present review petition stands dismissed.

21.09.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No