

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

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IN VIRTUAL COURT

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**CWP No. 19969 of 2021
Date of decision : 1.10.2021**

Jasvir Kaur

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sandeep Arora, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing the respondents to release the pension/family pension, pertaining to Dr. Harbans Singh (deceased husband of the petitioner), as the petitioner being widow is exclusively entitled to receive the same.

A perusal of the record shows that a Civil Suit, involving the dispute of entitlement of pension and other pensionary benefits of Dr. Harbans Singh is already pending adjudication before the Civil Judge (Junior Division), Jalandhar. The petitioner is a party to those proceedings. There is an interim order passed by the trial Court in that suit requiring the respondents to create fixed deposits of the payments to be disbursed on account of the pensionary benefits of above said Dr. Harbans Singh. Hence, this petition is nothing but an attempt to initiate parallel proceedings for the same cause of action, albeit by a defendant in the already pending suit. The petitioner also has a remedy of

staking claim of what she is claiming in the present petition; by filing a counter claim in that suit, if deemed appropriate. However, this Court does not find it appropriate to permit the parallel proceedings on the same cause of action.

Hence, the present petition is dismissed. However, the petitioner would be at liberty to avail her alternate remedies, in accordance with law.

(RAJBIR SEHRAWAT)
JUDGE

1.10.2021
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No