

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

CR No.2683 of 2020

Date of decision: 21.01.2021

Rekha @ Rekha Kumari

...Petitioner

Vs.

Sunita and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Ritu Bahri, J. (oral)

Petitioner is seeking direction to the Civil Judge (Junior Division), Bathinda, to decide the application under Order 39 Rules 1 and 2 CPC (Annexure P-4) filed by her (petitioner) along with the civil suit (Annexure P-3).

Learned counsel for the petitioner contends that mother of the petitioner, who was working as Sweeper in CHC, Sangat, District Bathinda, died on 29.06.2019. Her son-Sikander Kumar and daughter-Rekha @ Rekha Kumari (petitioner) are shown as her nominees as per G.P.F. account. However, Sikander Kumar died in the year 2013.

Petitioner's case is that after the death of her brother-Sikander Kumar, his wife namely Sunita had got remarried and now she (petitioner) is the only surviving legal heir/nominee of her mother. Therefore, she has a right to get all the service/death benefits of her mother namely Geeta Devi.

Along with the civil suit (Annexure P-3) filed by present petitioner, an application under Order 39 Rules 1 and 2 CPC (Annexure P-

4) has been filed seeking ad-interim injunction for restraining respondent Nos.3 to 5 from releasing the service/death benefits of smt. Geeta Devi in favour of respondent No.2. However, no order has been passed by the trial Court on the said application till date.

Keeping in view that physical hearings have now been started in the Subordinate Courts, this petition is disposed of by giving direction to the trial Court i.e. Civil Judge (Junior Division), Bathinda to pass a final order on the application under Order 39 Rules 1 and 2 CPC, expeditiously.

21.01.2021
ajp

(RITU BAHRI)
JUDGE

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