

CWP-10809-2012 (O&M)

1

204

2023 : PHHC:126409

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

CWP-10809-2012 (O&M)

Date of decision : 03.08.2023

Gurpreet Kaur

...Petitioner

Vs.

**Punjab State Power Corporation Ltd.
and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ish Puneet Singh, Advocate
for the petitioner.

Mr. Mukesh Berry, Advocate
for respondent Nos.1 to 4.

Ms. Neha Jain, Advocate
for respondent Nos.5 and 6.

DEEPAK MANCHANDA, J.(Oral)

CM-2892-CWP-2020

This application has been filed under Section 151 CPC to place on record the additional affidavit of respondent No.6 dated 29.09.2019 as well as Annexures R-6/1 to R-6/3.

Application is allowed as prayed for.

Additional affidavit and Annexures R-6/1 to R-6/3 are taken on record.

CM-3259-CWP-2021

This application has been filed under Section 151 CPC on behalf of respondent No.6 to dispose of the present writ petition in terms of the compromise deed dated 23.01.2021 (Annexure A-1).

Learned counsel for the applicant/respondent No.6 has stated that

during the pendency of the petition, the dispute between the parties is amicably settled and in this regard, he has invited the attention of the Court to the written compromise deed dated 23.01.2021, which is duly signed by the parties. He prays that the petition be disposed of on the basis of compromise.

Notice in the application.

At this stage, Mr. Ish Puneet Singh, Advocate appears on behalf of petitioner, whereas Mr. Mukesh Berry, Advocate accepts notice on behalf of respondent Nos.1 to 4 and does not oppose the prayer.

For the reasons mentioned in the application, same is allowed and the compromise deed (Annexure A-1) is taken on record.

Main case

Petitioner-Gurpreet Kaur has moved this petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to release pensionary benefits to the petitioner on account of death of her father-Kuldeep Kumar, who died on 12.06.2011.

The terms of settlement arrived at between the parties reads as under:-

“ XXXXX

6. That both the parties have agreed to share the retiral benefits to the extent of 50% each.

7. That father of parties namely, Kuldeep Kumar @ Kuldeep Singh while alive has got deposited Rs.27020/- in the fixed deposit at Central Bank of India, Branch Mukerian vide FDR No.K0579017, which stand matured on 2.3.2010, however due to dispute between the parties the same was not encashed. Now, party nos.1 and 2 are the only legal

representatives, therefore, both have agreed to share the total money, which would be given by the bank in the ratio of 50% each.

8. That party no.2 as per the order dated 30.05.2012 passed by Hon’ble Mr. Justice Surya Kant was receiving Rs.4,000/- per month as an interim pension. Although, the same amount was paid to party no.1, but he did not accept the amount, therefore, as per the understanding and settlement, party no.1 will also take the said amount from the department, which has already been received by party no.2 and remaining amount would be divided equally.

9. That both the parties have also agreed to get the disposal of the writ petition in the terms and conditions of the compromise and both the parties would be bound by these terms and conditions.

10. That the compromise has been effected out of free will by both the parties, who are real brother and sister and they wanted to live in peace.”

Learned counsel for the petitioner states that indeed the compromise has been arrived at between the parties and he has no objection, if the prayer made by the applicant-respondent No.6 for disposal of the petition in terms of the compromise is accepted.

In view of the above, present petition is disposed of in terms of the compromise deed dated 23.01.2021 (Annexure A-1).

Pending application(s), if any, also stand(s) disposed of.

(DEEPAK MANCHANDA)
JUDGE

03.08.2023

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No