

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(256)

RSA-45-2020 (O&M)

Date of Decision : February 06, 2023

The Chief Manager and others

.. Appellants

Versus

Santra Devi

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Talwar, Advocate and  
Mr. Sumit Aggarwal, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-158-C-2020

As prayed for, the application is allowed.

RSA-45-2020

Present Regular Second Appeal has been filed impugning the judgment and decree passed by the trial Court dated 16.03.2018 as well as the judgment of the lower Appellate Court dated 30.08.2019 holding that the order passed by the appellants in declining the pensionary benefits in respect of the service rendered by the husband of the respondent-plaintiff was not valid and a direction was issued to compute the benefits for which the respondent-plaintiff was entitled for in respect of the service rendered by her late husband.

In order to grant the benefit to the respondent-plaintiff, the Courts below have relied upon the judgment of the Hon'ble Supreme Court of India in *SLP (Civil) No.9953 of 2008 titled as National Insurance*

***Company Ltd and another vs. Kirpal Singh.***

On being asked as to how the orders passed by the Courts below are perverse qua the facts or the evidence or the settled principle of law noticed therein, learned counsel for the appellants has not been able to point out any perversity in the order passed by the Courts below in allowing the suit filed by the respondent-plaintiff as well as in dismissing the appeal by the lower Appellate Court.

Learned counsel for the appellants has not been able to distinguish that the judgment of the Hon'ble Supreme Court of India in ***Kirpal Singh's case (supra)*** is applicable in the facts and circumstances of the present case and that too in favour of the respondent-plaintiff.

Keeping in view the fact that no perversity has been pointed out by learned counsel for the appellants while addressing the arguments qua the impugned judgments either on facts or on law, rather it is a conceded position that the case of the respondent-plaintiff is covered in her favour keeping in view the judgment of the Hon'ble Supreme Court of India in ***Kirpal Singh's case (supra)***, no question of law arise for the determination in the present Regular Second Appeal and no interference is called for by this Court.

Dismissed.

**CM-159-C-2020**

As the main appeal has been dismissed, present application also stands dismissed.

**February 06, 2023**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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