



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

222

CWP-2072-2021 (O&M)  
Date of decision: 09.05.2024

Neena Rani

...Petitioner

Versus

State of Punjab and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Nitin Jain, Advocate for the petitioner

Mr. Arun Gupta, DAG Punjab

Mr. Chaman Deep and  
Mr. Ivneet Singh Pabla, Advocates for respondent No.5

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**AMAN CHAUDHARY. J. (ORAL)**

1. The prayer in the present petition is for directing the official respondents to enter the name of the petitioner as wife of respondent No.5, in their family pension record.
2. This Court on 29.01.2021, while issuing notice of motion, had passed the following order:

“Learned counsel for the petitioner submits that the petitioner is the wife of respondent No.5 as the petition preferred by respondent No.5-husband against the petitioner under Section 11 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for seeking annulment of their marriage, had been dismissed by the Court of Additional District Judge, Kurukshetra while passing a decree for the restitution of conjugal rights, as envisaged under Section 9 of the Act, in favour of the petitioner and the appeal bearing FAO-M No.344 of 2015, as preferred by respondent No.5 had, subsequently, been withdrawn by him but now, respondent No.5 is delaying the matter of getting the name of the petitioner inserted in the official record, as his wife.

Notice of motion.

Mr. Daldeep Singh Sukarchakia, Deputy Advocate General, Punjab, has joined the proceedings in pursuance of the copy of this petition having been sent to respondents No.1 to



3-State in advance and at the asking of the Court, he accepts notice on behalf of respondents No.1 to 3.

Let notices to respondents No.4 and 5 be issued for 18.03.2021 through email or any other electronic mode as well as dasti.

In the meantime, written reply, if any, be filed on behalf of respondents No.1 to 3.”

3. Learned counsel for the petitioner submits that no reply to the present petition has been filed, despite the fact that learned counsel for respondent No.5 had prayed for last opportunity vide order dated 09.08.2022 and thereafter the matter was adjourned twice, to 16.01.2023 and 11.07.2023. Subsequently, last opportunity was granted vide order 03.10.2023, wherein it was recorded that failing which it will be presumed that respondent No.5 does not want to file reply and contest the case and the matter was listed for 02.02.2024. No reply has been filed. A reference is made to the affidavit dated 11.10.2010, Annexure P-4, submitted by respondent No.5, which reads thus:

“I, Narain Dutt son of Sh. Som Nath, resident of 18-B, New Green Park Patiala, do solemnly affirm here as under:-

- 1) That I retired on 30-6-2008 as the Principal of the Govt. Elementary School, Julkan District Patiala.
- 2) That my P.P.O. no. is 218657/Pb.
- 3) That I have remarried on 16-3-2009.
- 4) That the name of my wife is Neena Rani @ Neena Gupta daughter of Sh. Vidya Ratan. Her DOB is 08/2/1964.
- 5) That in my family pension papers the name of my wife should be mentioned.”

4. Attention of this Court is also drawn to the cross-examination in the petition filed under Section 11 of the Hindu Marriage Act, which was dismissed and the appeal against the same filed before this Court was withdrawn, relevant portion of which read thus:

“XX XX XX

It is correct that I moved an affidavit in my department to mention the name of Neena as mu wife on 11.11.2010. The true photocopy of my affidavit is Ex.R-21.”



5. Even in the replication filed to the written statement of respondent (petitioner herein) in the aforesaid proceedings, he had stated thus:

“The petitioner had requested his Department for his family pension in the name of respondent after his death, but the Department refused to do so.”

6. In the cross-examination, that was conducted of respondent No.5 in the proceedings initiated under Section 125 Cr.P.C., he made a deposition which reads thus:

“I did not give the name of petitioner to my department as my wife for the pension purpose. I have no objection in doing so. My department has asked me if the name of the petitioner is entered as my wife for the pension purpose and I have given in writing it to my department and let her name be so entered.”

7. In the affidavit, which is undated, appended as Annexure R-2, it was mentioned as under:

“XX XX XX

5. According to Law she is entitled to get my pension after my death, but still I am alive so I am paying the alimony.

6. I am ill from the last six months so due to this reason I can not file divorce case.”

8. Furthermore, in response to a communication dated 27.09.2019, Annexure P-25, seeking certain information, it was provided on 23.10.2019, Annexure P-26, followed by letter dated 06.11.2019, Annexure P-27, wherein she provided the address and mobile number as sought, of respondent No.5. The same read thus:

**Letter dated 23.10.2019**

“From:

Mrs. Neena Gupta Wio Narain Dutt Gupta  
& d/o Sh. Vidya Rattan  
R/o H.N. 2317, Ward No.-5, Chhota Bazar  
Near Sheetla Mata Mandir, Kurukshetra (HR)

To

The Block Primary Education Officer  
Bhuneheri-1. Patiala (Pb.)-147001

Subject: Regarding demanded documents for mentioning  
the name in the family pension of Sh. Narain Dutt



P.P.O. No. 218657/PB.

Respected Sir,

On the subject cited above, I received WhatsApp Msg and a call on 21/10/19 over my Mobile No. 9466218377. You asked me for documents and information, which is as under: -

1. Self Attested Copy of Aadhar Card.
2. Self Attested Copy of PAN Card.
3. E mail ID-neenaranig@gmail.com
4. Mobile No. 9466218377 & 9350596428
5. Self Attested Copy of Matric Certificate of Date of Birth 8/2/1964.
6. Photocopy of the affidavit dated 11 Nov 2010 made by Sh. Narain Dutt, in which a request has been made for mentioning of my name-Neena in the family pension papers and which has also been given to you.
7. Attested Three Joint Photograph, Narain Dutt Gupta & Neena Gupta

I hope, you have received all the documents/information for which you have asked me. Now, not only hope but I have faith that you will soon send me the copy of the document mentioning my name in the family pension papers of my husband-Sh. Narain Dutt Gupta.

Thanking you.”

**Letter dated 06.11.2019**

“ Except these documents you have asked for the complete address and mobile number of Narain Dutt, which is as under:

Sh. Narain Dutt S/o Som Nath,  
R/o H.N.447, Ward No.22,  
Rajinder Colony, Kurukshetra (HR)-136118  
Mobile and Whatsapp No.9416467242”

9. Learned counsel submitted that the documents were further sent by the Block Primary Education Officer to the Accountant General on 07.01.2020, Annexure P-28, whereafter, the petitioner visited the office of the Accountant General on 05.03.2020, the visitor pass is appended as Annexure P-29. Again, there was a communication sent by her to the Secretary of the Department on 10.08.2020, Annexure P-30.

10. Learned State counsel as also counsel appearing for respondent No.5, have been unable to offer any resistance to the prayer made in view of the foregoing facts and cannot justify that why, despite the affidavits etc. filed by the

afforesaid respondent, the name of the petitioner has not been entered in the family



pension record.

11. In view of the facts and circumstances of the case, this petition is hereby disposed of with a direction to the respondents to include the name of the petitioner in the family pension record of respondent No.5 within a period of one month.

(AMAN CHAUDHARY)  
JUDGE

09.05.2024  
M.Kamra

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