

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

RSA-1549-1999 (O&M)
Decided on :30.04.2024

STATE OF PUNJAB . .Appellant
Versus
LEELO DEVI . . . Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rohit Ahuja, DAG, Punjab.

Ms. Ramneeq Kaur, Advocate for the respondent.

HARSIMRAN SINGH SETHI , J. (Oral)

1. Learned counsel for the appellant submits that the judgment and decree of the lower Appellate Court is contrary to the judgment passed of the Hon'ble Supreme Court of India passed in CA No. 4254 of 1999, titled as, State of Punjab and another v. Devinder Kaur, decided on 03.08.1999, wherein it has already been recorded that prior to the year 1996 as per the Family Pension Scheme of 1964, the parents of the deceased employee were not entitled for the benefit of family pension and in the present appeal, the death of son of the respondent-plaintiff is prior to the year 1996 and hence, the mother of the deceased employee could have been granted the benefit of family pension.
2. Learned counsel for the respondent-plaintiff on the other hand submits that the present regular second appeal was filed 25 years ago and as of now, she is not in touch with the respondent and does not know as to whether the respondent-plaintiff is alive to claim the benefit extended by the said judgment and decree impugned in the present regular second appeal or not.
3. Learned counsel for the appellant submits that as the judgment of the lower Appellate Court was stayed vide order dated 24.09.1999 passed

by the Co-ordinate Bench of this Court and no benefit has been extended to the respondent-plaintiff under the said judgment so far, hence, the present regular second appeal may kindly be disposed of having been not pressed any further with liberty to revive the same in case the respondent-plaintiff is alive and initiates any action to execute the impugned judgment and decree.

4. The present appeal is disposed of having been not pressed any further with liberty as prayed for.

5. It is directed that without there being any specific order from this Court, the executing Court will not execute the judgment of the lower Appellate Court which has been stayed vide order dated 24.09.1999 passed by the Co-ordinate Bench of this Court.

6. Ordered accordingly.

7. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

30.04.2024

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*