

2024:PHHC:113785



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

214

CWP-11954-2019 (O&M).
Date of Decision: 02.09.2024.

NISHA KUMARI

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Malhar Singh Dhami, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Anil K. Ahuja, Advocate,
for respondent No.3/Oriental Bank of Commerce.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed for seeking issuance of directions to the respondents to release the family pension under the Freedom Fighter Scheme to the petitioner (who is claiming herself to be an adopted daughter) after the death of Banta Ram till the solemnization of marriage of the petitioner on 22.02.2015.

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Learned counsel for the petitioner contends that the petitioner is the sole surviving daughter adopted by Late Banta Ram son of Sh. Parash Ram, resident of village Bhanowal, Tehsil Dasuya, District Hoshiarpur and as per the Policy issued by the State of Punjab, the unwed/unemployed daughter is entitled to the family pension on demise of the freedom fighter. He contends that the petitioner has succeeded her father Late Banta Ram and in the will executed by late Banta Ram, it was specifically averred that adoption of the petitioner as daughter took place in the year 1998. He submits that the claim, however, has not been considered by the respondent-Department on the ground that document showing registration of the adoption deed has not been placed on record. He contends that there is no mandate of getting the adoption deed specifically registered. In support of his contention, he places reliance on the order passed by this Court in **CWP No.14823 of 2008 titled as 'Sanjeev Kumar Vs. State of Punjab and others,' decided on 13.01.2010.**

On the other hand, learned State counsel submits that since they have not received any documents, it is not possible for them to process the claim of the petitioner for release of the said benefits. It is, however, not disputed by them that the mutation with respect to succession of the property has already been sanctioned in favour of the petitioner.

In view of above, the present writ petition is disposed of in terms of order dated 13.01.2010 passed in **Sanjeev Kumar (supra)** subject

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to any interim injunction/order that may have been passed by any competent Court disputing the claim of the petitioner to succeed to the family pension.

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

September 02, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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