

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CWP-23941-2015 (O&M)
Date of decision: 29.02.2024

Jagjit Kaur

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Surinder Garg, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The prayer made in the present petition is for directing respondents to release balance 15% of service benefits of late husband of the petitioner namely Balwinder Sinch, which was earlier ordered to be paid in equal shares to the petitioner and her mother-in-law Harbhajan Kaur.
2. Learned State counsel while referring to para 3 to 5 of the written statement dated 18.02.2020, which read thus:

“3. That in compliance of Order dated 11.12.2019 passed by this Hon'ble Court, it is respectfully submitted that Civil Suit titled as Jagjit Kaur widow of Balwinder Singh Versus Punjab State and others filed in the year 2007, was decided on 24.04.2012, wherein, the Ld. Civil Judge (Jr. Div.) Phagwara, granted the relief to plaintiff Jagjit Kaur to the effect that she along with defendant no. 4 (Harbhajan Kaur mother of deceased employee Balwinder Singh) were entitled to half share each out of the death -cum- retirement gratuity and other service benefits of Late Balwinder Singh.

4. That Jagjit Kaur widow of Balwinder Singh and Gurwinder Kaur (defendant no. 5) sister of Balwinder Singh filed appeals against judgment dated 24.04.2012 which were dismissed by the Appellate Court of Sh. Lalit Kumar Singla, Ld. Addl. District Judge, Kapurthala vide common judgment/decree dated 11.11.2013. Execution of decree dated 24.04.2012 was filed by Gurwinder Kaur.

5. That Harbhajan Kaur mother of Balwinder Singh expired on 07.12.2012 during the pendency of above said appeals. Jagjit Kaur filed objection petition in the execution application of Gurwinder Kaur bearing CIS No. EXE/39/2014 contending that she was alone entitled to service benefits of deceased Balwinder Singh, however, her objection petition was dismissed by the Executing Court of Sh. Joginder Singh, Civil Judge (Jr. Div.) Phagwara vide order dated 08.05.2019, which is annexed herewith as Annexure R-1.”

3. Learned counsel for the petitioner is unable to controvert the aforesaid fact.
4. In view of the above, the present petition stands disposed of.

(AMAN CHAUDHARY)
JUDGE

29.02.2024
M.Kamra

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No