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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16494/2023**

MRS. PRATIBHA DEVI

..... Petitioner

Through: Mr. Manish Kumar and Ms. Neha
Srivastava, Advocates along with Mr.
K. K. Verma, Law offices, LLP

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Satya Ranjan Swain, SPC with
Mr. Sahaj Garg, GP

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
09.02.2024

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1. The instant petition under Article 226/227 of the Constitution of India read with Section 16 of the Hindu Marriage Act, 1955 has been filed on behalf of the petitioner seeking the following reliefs:

“In view of the above grounds and submissions, Petitioner most respectfully prays that this Hon Tale Court may be pleased to an appropriate writ, order or directions be issued for the following reliefs: -

- a) That above-mentioned 3 legitimate minor children/heirs of Late Kartar Singh shall be given the education expenses.*
- b) That above-mentioned 3 legitimate minor children/heirs of Late Kartar Singh shall be given the basic needs of the life, which is their fundamental rights guaranteed under the Constitution of India, 1950.*
- c) That 3 legitimate minor children/heirs of Late Kartar Singh*



shall be given the rights of pension benefits of their late Father. Which is mentioned under section 16 of the Hindu Marriage Act, 1955

d) Allow the pension to be credited in the account of 3 legitimate minor children/heirs of Late Kartar Singh.

e) Direct the respondents to pay all the life insurance amount to the petitioner.

f) Direct the respondents to pay all the death gratuity amount to the petitioner.

g) Direct the respondents to pay provident funds to the petitioner.

h) Direct the respondents to pay the all-pension amount to the legitimate 3 minor children/heirs of the deceased Kartar Singh occurred since veiy 1st day of pension amount rights.

i) Allow the cost of this writ petition to the petitioner and;

j) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.”

2. After some length of arguments, learned counsel for the petitioner seeks an innocuous prayer to file a detailed representation/application along with copy of the instant petition before the competent authority within one week.

3. Learned counsel appearing on behalf of the respondents vehemently opposed the instant petition, however, has no objection to the innocuous prayer made by the learned counsel for the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondents, this Court is inclined to allow the innocuous prayer made on behalf of the petitioner.

6. The petitioner is directed to file a detailed representation/application



along with the copy of the instant petition as well as the certified copy of this order before the competent authority within one week. After receiving the detailed representation/application, the competent authority is directed to dispose of the detailed representation/application after giving an opportunity of hearing to the petitioner, if required and pass a detailed and reasoned order in accordance with law expeditiously, preferably within six weeks.

7. With the aforesaid directions, the instant petition is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 9, 2024
gs/db

Click here to check corrigendum, if any