

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

**RSA-581-2025 (O&M)
Reserved on : 09.09.2025
Date of Decision:07.11.2025**

Union of India and Another

.....Appellants

Vs.

Kiran Arora

.....Respondent

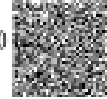
CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Narender Kumar Vashist, Advocate
for the appellants.

SUDEEPTI SHARMA J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 01.12.2021 passed by learned Civil Judge (Jr. Division), Jalandhar whereby, the civil suit filed by the respondent was decreed in her favour as well as judgment and decree dated 25.09.2024 passed by Additional District Judge, Jalandhar whereby, the appeal filed by appellants against the judgment and decree dated 01.12.2021 was dismissed.

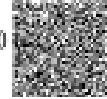
2. The brief facts of the case are that respondent is legally wedded wife of Late Sh. Raj Kumar Arora. Her husband joined services of appellant and thereafter retired. Her husband was earlier married to Neelam Rani and the marriage was dissolved by way of decree of divorce by mutual consent between the parties by Additional District Judge, Jalandhar on 24.08.1992. Thereafter, Sh. Raj Kumar Arora solemnized marriage with respondent on 05.12.1993. Respondent was also earlier married and had taken divorce from her previous husband. She is having one son namely Manush from her



previous husband who was born on 25.07.1984. After marriage of respondent, Manush remained in custody of respondent and Sh. Raj Kumar Arora. Respondent got necessary changes in the entire record of Manush and the name of father was changed as Raj Kumar Arora. After his retirement, Sh. Raj Kumar Arora was granted pension by the appellants vide PPO No. KL-33152/B. He died on 16.04.2011 leaving behind respondent as the sole Class-I legal heir. Respondent after his death applied for family pension along with all necessary documents and moved various representations to the appellants.

3. Officials of appellant No.2 and Senior Post Master, General Post Office, Jalandhar City who is defendant No.3 in the civil suit also forwarded the claim of respondent for further action but the same was rejected on the ground that name of respondent was never mentioned in any service record of Late Sh. Raj Kumar Arora. As such, no family pension was disbursed to the respondent. Thereafter, respondent applied for marriage certificate before the Registrar of Marriages, Jalandhar-II but the same was not issued due to death of Sh. Raj Kumar Arora. However, they issued certificate No.30861 dated 07.05.2013 in favour of respondent to the effect that she solemnized marriage with Sh. Raj Kumar Arora on 05.12.1993. The attested copy of this certificate was sent to the appellants but still she was not granted family pension. She served legal notice as well as many representations but her claim was rejected.

4. Thereafter, she filed civil suit which was decreed in her favour vide judgment and decree dated 01.12.2021 passed by Civil Judge (Jr. Division), Jalandhar. Appellants filed appeal against judgment and decree



dated 01.12.2021 and the same was dismissed vide judgment and decree dated 25.09.2024 passed by Additional District Judge, Jalandhar. Hence, the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANTS

5. Learned counsel for the appellants contends that respondent failed to produce any proof of marriage and no document to show that she was legally wedded wife of Late Sh. Raj Kumar Arora was produced, still both the Courts decreed the suit in her favour and the appeal filed by appellants was dismissed.

6. He further contends that all the documents produced by respondent like Aadhar Card, Voter Card etc., were made/obtained after death of Sh. Raj Kumar Arora. Further that both the Courts while passing impugned judgment and decree failed to consider the cross-examination of PW3-Manush. Further that adoption of PW3-Manush was not registered.

7. I have heard learned counsel for the appellants and perused the whole record of the present case with his able assistance.

8. A perusal of the record shows that Late Sh. Raj Kumar Arora retired from service on 10.11.2009 (Ex.D-2) and was receiving pension and thereafter his death on 16.04.2011 (Ex.P-12), are admitted facts on record. It is admitted fact by both the appellants as well as respondent that respondent made various representations (Ex.P-18 to Ex.P-21, Ex.P-30, Ex.P-33 and Ex.P-34) to the appellants and the same were replied by the appellants (Ex.P-22, P-23, P-29, P-32, P-36 and P-37) time to time by demanding document (marriage certificate) showing her status of marriage with Sh. Raj

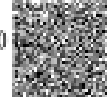


9. Admittedly, respondent applied for marriage certificate before Registrar of Marriages, Jalandhar-II in the year 2013 but the same was returned to the respondent with the certificate (Ex.P-17) that the marriage of respondent with Sh. Raj Kumar Arora cannot be registered due to death of Sh. Raj Kumar Arora on 16.04.2011. However, this document (Ex.P-17) confirms the marriage of respondent with Late Sh. Raj Kumar Arora on 05.12.1993. During her evidence, except her oral testimony as PW-3, respondent also examined Rajiv Jain (husband of sister of respondent) as PW-1, Vipin Kumar (owner of house where both respondent and Late Sh. Raj Kumar Arora lived after their marriage) as PW-4 and Uma Beri (Councillor of Ward No.19, MC, Jalandhar) as PW-5 and tendered documents (Ex.P-1 to Ex.P-17) to prove her legal status with Sh. Raj Kumar Arora.

10. The combined reading of these evidences on record proves that Late Sh. Raj Kumar Arora married to one Neelam Rani on 09.12.1986 and got decree of divorce by mutual consent from the Court on 24.08.1992 (in HMA No.10 of 1992). It is also proved on record that he again married with respondent on 05.12.1993 and their marriage ceremony was duly attended by PW-1 and PW-4 on 05.12.1993. There is no rebuttal evidence on record to disprove the marriage of respondent with Late Sh. Raj Kumar Arora.

11. Therefore, the respondent as per the record is proved to be legally wedded wife of Late Sh. Raj Kumar Arora. The fact that respondent was not nominated as wife/nominee by Late Sh. Raj Kumar Arora during his service or thereafter cannot debar her to get family pension of deceased

Sh. Raj Kumar Arora as the own document (Ex.DX/4) of appellants shows



that respondent is eligible for grant of family pension w.e.f. 17.04.2011 under Rule 54(7) of Central Civil Services (Pension) Rules. Therefore, respondent could not be denied family pension and civil suit filed by the respondent has rightly been decreed in her favour and the appeal filed by appellants has rightly been dismissed.

14. In view of above, I do not find any infirmity in judgment and decree dated 01.12.2021 passed by learned Civil Judge (Jr. Division), Jalandhar and the judgment and decree dated 25.09.2024 passed by Additional District Judge, Jalandhar. The same are upheld.

15. Accordingly, the present regular second appeal is ***dismissed***.

16. Decree sheet be prepared.

07.11.2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No