



\$~33

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

+ W.P.(C) 10760/2021

AMIT JAIN

.....Petitioner

Through: Mr. Punit Jain & Mr. Anand P. Jain,
Advocates.

versus

GENERAL MANAGER CANARA BANK & ORS.Respondents

Through: Mr. Rajesh Kumar Gautam, Ms.
Likivi K. Jakhalu & Mr. Deepanjali
Choudhary, Advocates for R-1.
Mr. Shubham Kashyap, Mrs. Antima
Bazaz & Mrs. Seema Kashyap,
Advocates for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.02.2026

%

1. The material facts relevant for adjudication of the present writ petition are not in dispute. Late Ms. Mahak Gupta was an employee of Respondent No. 1—Bank and had joined service on 19th September, 2016. She married the petitioner, Mr. Amit Jain, on 4th May, 2017, as per Hindu rites and ceremonies. During her lifetime, the Petitioner had instituted Divorce Petition No. 605/2019 before the Family Court, Panipat, which remained pending. Upon the demise of Late Ms. Mahak Gupta on 4th May, 2021, the said divorce petition stood rendered infructuous.

2. Upon her death, certain terminal benefits became payable, including amounts towards Group Term Life Insurance, gratuity, privilege leave



encashment, and the corpus accumulated under the National Pension Scheme.

3. While a nomination exists in favour of the mother of the deceased employee, namely Ms. Usha Gupta, under the National Pension Scheme, no fresh nomination was made after marriage. Insofar as gratuity is concerned, no nomination is available on record, and the amount is payable to the legal heirs in accordance with the Payment of Gratuity Act, 1972. The amount towards privilege leave encashment is also payable to the legal representatives.

4. A dispute has arisen between the Petitioner and the mother of the deceased employee with regard to their respective entitlement to the aforesaid terminal benefits. In this context, the mother of Late Ms. Mahak Gupta has instituted Civil Suit No. 3160/2021 under Section 372 of the Indian Succession Act, 1925 before the Court of the District and Sessions Judge, Jaipur, which remains pending adjudication. The petitioner has also instituted Suit No. 115/2021 before the Court of the Senior Civil Judge-cum-Rent Controller, South-East District, Saket Courts, New Delhi, which is likewise pending consideration.

5. In the aforesaid backdrop, Respondent No. 1-Bank has withheld disbursement of the terminal dues on account of the pendency of the civil proceedings and the absence of clarity as to the rightful claimant.

6. In these circumstances, this Court is of the view that the *inter se* entitlement of the Petitioner and the mother of the deceased employee to the terminal benefits cannot be determined in the present writ proceedings. The dispute essentially involves competing claims of succession, which are already the subject matter of adjudication before competent civil courts.



7. It is well settled that where questions relating to succession and entitlement to estate are pending consideration before civil courts, the writ jurisdiction under Article 226 of the Constitution is not the appropriate forum to adjudicate such claims in the first instance. Any determination in the present proceedings would necessarily trench upon issues that fall within the domain of the civil courts seized of the matter.

8. In view of the pendency of the aforesaid civil proceedings, the Court finds merit in the submission advanced by Mr. Rajesh Kumar Gautam, counsel for Respondent No. 1, that the Bank cannot be faulted for withholding disbursement of the terminal dues until there is clarity as to the rightful claimant. The Bank shall be bound by, and act in accordance with, the outcome of the civil proceedings pending between the parties.

9. It is accordingly left open to the parties to pursue their respective remedies before the civil courts. Upon final adjudication of the rival claims, the successful party shall be at liberty to approach Respondent No. 1–Bank for release of the terminal benefits, in accordance with law.

10. With the above observations, the writ petition is disposed of. It is clarified that this Court has not expressed any opinion on the merits of the rival claims, and all rights and contentions of the parties are left open to be urged before the appropriate forum.

SANJEEV NARULA, J

FEBRUARY 3, 2026/hc