



\$~26(03.03.2026)

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

+ **W.P.(C) 13038/2024 & CM APPL. 2509/2026**

BIMLA DEVI

.....Petitioner

Through: Ms Meera Mathur, Adv.

versus

GOVERNMENT OF INDIA THROUGH SECRERY,
MINISTRY OF DEFENCE, & ORS.Respondents

Through: Mr. Neeraj (SPC), Mr.
Soumyadip Chakraborty.
Ms. B.S Rana & Mr Deepanshu
Singhal, Advs. for R-8.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **25.04.2026**

1. Since 03.03.2026 was declared a holiday *vide* notification dated 27.02.2026, the matters fixed for 03.03.2026 were directed to be taken up on 25.04.2026.

2. Through the present Petition filed under Article 226 of the Constitution of India, the Petitioner (Bimla Devi), widow of late Sh. Mahanand Sharma Dhaulakhandi *alias* Mahanand Sharma [hereinafter referred to as 'the Deceased'] prays for direction to the Respondents to release Family Pension in her favour.

3. In order to comprehend the issue involved in the present case, relevant facts, in brief, are required to be noticed.

4. The Deceased is alleged to have married Smt. Soma Devi *alias* Duma Devi, Respondent No.8, when both were minors. Respondent No.8 was stated to be of 14 years of age at the time of their alleged marriage. Subsequently, with the intervention of the respectable



Panchayat, customary divorce took place and the parties ended all *inter se* relations. Thereafter, Respondent No.8 married with Sh. Chintamani Juyal in the year 1967, whereas the Deceased married the Petitioner on 21.11.1967.

5. From cohabitation of the Deceased and the Petitioner, three children were born, who are arrayed as Respondent Nos.5 to 7. Thereafter, the Deceased died in the year 2009.

6. In the Army record, Respondent No.8 continued to be nominee of the Deceased. Hence, the dispute arose when the Petitioner claimed family pension.

7. Initially, Petitioner applied for Succession Certificate but the Petition for succession certificate was withdrawn.

8. Admittedly, there is no *inter se* dispute between Petitioner and Respondent No.8.

9. Learned counsel representing Respondent No.8 submits that there was a valid separation between the Deceased and Respondent No.8 and thereafter the Respondent No. 8 married with Sh. Chintamani Juyal and is residing happily since the year 1967. It is further stated that the Respondent No.8 does not wish to make any claim with regard to family pension.

10. Learned counsel representing the Union of India, submits that as per the applicable Rules the pension had to be paid to the nominee.

11. This Court has considered the submissions. Nominee is only a trustee of the money left behind by an individual and cannot claim exclusive rights once the rights have been given up. The Army Authorities were expected to take a practical view in the given circumstances.

12. Keeping in view the aforesaid position, the Writ Petition is



allowed and direction is issued to the Respondents to release the arrears of the family pension in the favour of the Petitioner, as well as continue to pay amount of family pension to the Petitioner, in accordance with the applicable Rules. This process be completed within a period of four weeks from today.

13. In view of the aforesaid, the present Petition, along with the pending application, is disposed of.

ANIL KSHETARPAL, J

RAJNEESH KUMAR GUPTA, J

APRIL 25, 2026

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