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

CR-3471-2023 (O&M)
Date of decision: 24.07.2025

Bharti

...Petitioner

Versus

Savitri Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Ashok Kaushik, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside/modifying the judgment dated 31.08.2019 (Annexure P-1) passed by the Additional Civil Judge (Senior Division) Hathin and judgment dated 08.09.2022 (Annexure P-2) passed by the Additional District & Sessions Judge, Palwal.

2. Respondent No.1 had filed a petition for grant of Succession Certificate under Section 372 of the Indian Succession Act, 1925 in respect of the dues including the salary and other benefits of Bhagwan Dev whom she claimed to be her son and the present petitioner claims to be the widow of the said Bhagwan Dev.

3. The Additional Civil Judge (Senior Division), Hathin vide



order dated 31.08.2019, after considering the entire matter, decided the petition in the following terms:-

“19. In view of above discussion, the present petition is allowed with no order as to cost to the effect that succession certificate be issued in favour of Savitri in respect of the funds on account of death of deceased Bhagwan Dey and succession certificate be issued in favour of respondent No.3 Bharti in respect of salary or pension of deceased Bhagwan Dev as per rules of department in this regard, on furnishing of the indemnity bond to the extent of Rs.20,00,000/- as per rules within a period of two months from today. Succession certificate be issued accordingly. Memo of costs be drawn accordingly.

File be consigned to record room after due compliance.”

4. Respondent No.1-Savitri Devi had filed an appeal before the Additional District & Sessions Judge, Palwal which was partly allowed in the following terms:-

“18. Since the respondent no.2 has admitted that the deceased Bhagwan Dev had given intimation about the marriage with respondent no.3, it is proved that deceased Bhagwan Dev had married with respondent no.3. The respondent no.2 has also admitted that as per record, father of the deceased is nominee regarding NPS of the deceased. It is admitted that although deceased Bhagwan Dev had applied for change of nominee but nominee was never changed. Therefore, father of the deceased Bhagwan Dev is entitled to amount of NPS being nominee of the deceased. The petitioner and respondent no.3 are legal heirs/successors of deceased Bhagwan Dev and they are entitled to receive the service benefits of deceased Bhagwan Dev according to their share as per rules, and their share is to be decided by respondent no.2.



The impugned judgment and decree dated 31.08.2019 passed by the Trial Court is modified accordingly. The respondent no.2 is directed to release the service benefits of deceased Bhagwan Dev in favour of parents and wife of the deceased accordingly. The direction given by the trial Court to furnish indemnity bond to the extent of Rs. 20 lacs is set aside. The appeal is partly allowed with no order as to costs. Memo of cost be prepared accordingly. Appeal file be consigned to the record room after due compliance.

Pronounced in open court.

(Sushil Kumar-Garg)

08.09.2022

Addl. District & Sessions Judge,

Palwal: UID No. HR-0077”

5. Learned counsel for the petitioner has submitted that since the deceased had even moved an application for nominating the present petitioner in place of his father, thus, funds including NPS should be released to the petitioner. It is further submitted that the only person entitled to pension, salary and other service benefits other than the funds would be the present petitioner, who is a widow as per Rule 14(a) of the Punjab Civil Services Rules (Haryana) which are applicable in the present case. It is submitted that thus, the entire amount should be paid to the petitioner.

6. Learned counsel for the respondents, on the other hand, has submitted that nomination was not in the name of the petitioner and at any rate, since before the Civil Court, the petitioner was not given the relief of release of funds including NPS on account of death of deceased Bhagwan Dev and the petitioner did not file any appeal against rejection of the said part of the claim and the grant of Succession Certificate was issued on the said aspect in favour of Savitri Devi-respondent No.1, thus, the petitioner is



estopped from claiming the abovesaid amount. It is further submitted that since the father is still a nominee in the NPS, thus, the said amount has been rightly ordered to be paid to the father of the deceased.

7. During the course of arguments, a consensus has been arrived at between learned counsel for the petitioner as well as learned counsel for the respondents and on account of the same, the present revision petition is disposed of with the following observations/ directions:-

- i) The Succession Certificate with respect to the amount due under NPS is directed to be issued in favour of the father of the deceased i.e., Nand Lal.
- ii) The Succession Certificate with respect to the funds including gratuity etc., is directed to be issued in favour of respondent No.1- Savitri Devi.
- iii) The Succession Certificate with respect to family pension, salary under the Compassionate Rules, 2006 will be issued in favour of the present petitioner-Bharti.

8. The impugned orders would be accordingly modified in terms of the abovesaid directions.

9. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.07.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No