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

+ C.R.P. 80/2026 & CM APPL. 18902/2026 (Stay)

NISHA

.....Petitioners

Through: Mr. Abhishek Kaushik, Advocate.

versus

KRISHNA DEVI & ANR.

.....Respondents

Through: Mr. Rajesh Kumar, Standing Counsel (EPFO), Mr. Yash Narain, Advocate for EPFO/R-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **25.03.2026**

CM APPL. 18903/2026 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

C.R.P. 80/2026 along with CM APPL. 18902/2026 (Stay)

1. This petition has been filed for setting aside order dated 4th December 2025, passed by the Karkardooma Courts, Delhi, [*“Trial Court”*] in *CS No.304/2022*, dismissing the application under *Order VII Rule 11* of the Code of Civil Procedure, 1908 (*“CPC”*) of the petitioner.
2. *Mr. Omveer*, son of respondent no.1 [*plaintiff*] and *husband* of the petitioner [*defendant no.1*], passed away in 2015 due to illness. In 2016, upon coming to know that amounts from the Employees' Provident Fund Organisation Account bearing no. *DL/23691/2748* were being released to widow/petitioner [*defendant no.1*], a complaint was filed with the



Employees' Provident Fund Organization [**'EPFO'**] by respondent no.1/mother of deceased [*plaintiff*], seeking stoppage of withdrawal from the account. Further, on 28th April 2021, respondent/plaintiff solemnized her second marriage with *Mr. Ravi Kant*. Accordingly, on 08th April 2022, a civil suit was filed.

3. By impugned order, the Trial Court observed that the claim regarding stoppage of widow pension by the petitioner could not be entertained, considering the Supreme Court's decision in *Nitu v. Sheela Rani*, (2016) 16 SCC 229, and the said relief was struck off from the prayer clause of the plaint.

4. However, as regards right to claim from the Employees' Provident Fund dues, reliance was placed on *Employees' Provident Fund Scheme 1952* [**'EPF Scheme'**] to state that the '*dependent parents*' are included in the definition of '*family*' and reliance was placed on the Supreme Court's decision in *Shipra Sengupta v. Mridul Sengupta*, (2009) 10 SCC 680.

5. *Mr. Abhishek Kaushik*, counsel for petitioner, states that there is no averment made in the plaint that respondent/plaintiff were '*dependent parents*', or that they would fall within the definition of '*family*' under the EPF Scheme. Moreover, the suit was barred by limitation, considering that Rs.2,42,000/- were received by petitioner in 2016, while complaint was also filed in 2016; therefore, the suit is barred by limitation per *Article 113* of the Limitation Act, 1963.

6. Accordingly, issue Notice to respondent no.1 upon steps being taken by petitioner through all permissible modes including e-mail, etc.

7. Notice is accepted on behalf of *Mr. Rajesh Kumar*, Standing



Counsel for respondent no.2/EPFO, who shall file a short note in response.

8. Counsel appearing for respondent no.2/EPFO states that they have filed their written statement, wherein they have stated that parents do not fall within the scope of '*family*' under *paragraph 2 (vii)* of EPF Scheme, 1995.

9. It is directed that the Trial Court may defer the matter to a date after the next date scheduled before this Court.

10. Returnable on 25th August 2026.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 25, 2026/ak/tk