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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4502/2021, CM No. 13759/2021 & 13760/2021
MS INDRA

..... Petitioner

Through: Chaudhary Rabindra Singh, Adv.
with Mr. Paras Aggarwal & Ms. Ekta
Singh, Advs.

versus

THE GOVT OF NCT OF DELHI & ANR.

..... Respondent

Through: Counsel for R-1 (appearance not
given)
Mr. Rajiv Kapur, Adv. with
Mr. Akshik Kapur, Adv. for R-2/SBI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **12.04.2021**

This matter is being heard through Video-Conferencing.

CM No. 13759/2021

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 4502/2021 & CM No.13760/2021

1. The present petition has been filed by the petitioner with the following prayers:-

It is, therefore, humbly prayed that in view of the above mentioned facts and circumstances of the case, this Hon'ble Court may graciously be pleased to:

A. Issue a writ in the nature of certiorari or any other appropriate



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writ, order or direction thereby quashing the recovery of alleged excess amount from the family pension of the petitioner as mentioned in Annexure P3(colly);

B. Issue a writ in the nature of mandamus or any other writ, order or direction thereby commanding/directing the respondent to refund the recovered amount to the petitioner with interest;

C. Award compensatory cost(s) of the proceedings in favour of the petitioner, in the interest of justice;

D. Pass any other order or direction as deemed expedient to meet the ends of justice.”

2. Learned counsel appearing for the Bank states that he has to take instructions.

3. Notice, Counsels as above accept notice for respondent Nos.1 and 2 respectively. Counter affidavit be filed within four weeks from today. Rejoinder affidavits within two weeks thereafter.

4. Till the next date of hearing, no recovery shall be effected from the family pension being paid to the petitioner. It is also made clear that if the petitioner does not succeed in the writ petition, she shall not plead equity.

5. List on 5th October, 2021.

V. KAMESWAR RAO, J

APRIL 12, 2021/ak