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

+ **CONT.CAS(C) 493/2021**

SUMAN SINGH @ SUMAN KUMARI

..... Petitioner

Through: Ms. Santwana Agarwal and Mr. Ravi Rai, Advs.

versus

SUBHASH KUMAR

..... Respondent

Through: Mr. Sunil Kr. Jain and Ms. Reeta Chaudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

02.08.2022

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1. It is submitted by learned counsel for the petitioner that in terms of judgment dated 06.11.2020, in W.P.(C)6701/2018, the petitioner is entitled to 1/3rd share in the retiral/terminal benefits of her deceased husband. The operative portion of the said judgment read as under:

“38. In view of the law enunciated by various courts, it is held that the Petitioner being a Class-I heir of Manoj, is entitled to stake a claim over the proportionate share in the retiral/terminal benefits of Manoj, in accordance with the Hindu Succession Act and her right cannot be defeated by the nominations. As Respondent No.2 being the mother and Respondent No.3 being the minor daughter are also Class-I heirs, Petitioner is entitled only to 1/3rd share in the retiral/terminal benefits. It has come on record that prior to the passing of the interim order, amounts under certain Heads, as noted in the earlier part of the judgment, were already disbursed in favour of the nominees. However, on account of the interim order certain amounts are lying deposited with the ONGC, although the exact figures have not been disclosed in the Counter Affidavit.



39. ONGC is thus directed to disburse to the Petitioner her proportionate share under the various Heads, as claimed, from the amounts presently lying in the various Funds / Trust with the ONGC. Needless to state that if the amounts disbursed by the ONGC to the Petitioner fall short of the 1/3rd share in the total entitlement, on account of the fact that amounts towards certain benefits have already been disbursed to Respondent Nos.1 to 3, it shall be open to the Petitioner to resort to appropriate Civil remedies, in accordance with law, to recover the said amounts from Respondent Nos.1 to 3.”

2. A perusal of the above makes it clear that disbursement has to be made such that the petitioner receives 1/3rd share in the overall retiral/terminal benefits. It is further clear that disbursement is required to be made by the respondent in such a manner that the petitioner receives her 1/3rd share in the retiral/terminal benefits after adjusting the amount that has been received by the other nominees.
3. Let the said exercise of disbursement of the amount to the petitioner in terms of the aforesaid directions passed by this court be done by the respondent within a period of four weeks.
4. List on 08.02.2023.

SACHIN DATTA, J

AUGUST 2, 2022/cl