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

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

SUMAN SINGH @ SUMAN KUMARI Petitioner

Through: Mr. Ravi Rai, Advocate.

versus

SUBHASH KUMAR Respondent

Through: Mr. Sunil Jain, Advocate (through VC).

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.12.2022**

CM APPL. 51946/2022 (for early hearing)

1. Present application has been filed by the Petitioner expressing her apprehension that the Respondent Nos. 1 and 2 are in the process of disbursing the pending retiral/terminal benefits in contravention of the directions contained in order dated 02.08.2022, passed by this Court.
2. Learned counsel for the Respondent Nos. 1 and 2, states that the directions issued by this Court at paragraph no. 2 of its order dated 02.08.2022, are at variance with the directions issued by the Predecessor Bench of this Court at paragraph no. 39 of its order dated 06.11.2020. He admits that Respondent Nos. 1 and 2 have not sought any modification of order dated 06.11.2020. The learned counsel for the Petitioner disputes the submissions of the Respondents and states that it is the true intent and spirit of the order dated 06.11.2020 that has been rightly set out in order dated



02.08.2022.

3. It is the contention of the learned counsel for the Petitioner that the retiral/terminal benefits of the deceased husband include an insurance fund of Corporate Social Security Scheme ('CSSS') to the tune of Rs. 60 Lacs and that admittedly the Petitioner is entitled to 1/3rd portion of the said sum i.e., Rs. 20 Lacs as per judgment dated 06.11.2020.

4. He states that out of the total sum of Rs. 60 Lacs of CSSS fund, Rs. 30 lacs were disbursed prior to the passing of judgment dated 06.11.2020 and admittedly, a balance amount of Rs. 30 Lacs has still not been disbursed by the Respondents.

5. He states that a further sum of Rs. 6 Lacs of the CSSS fund was divided by Respondent No. 1 and 2 in three parts and the Petitioner had received one part i.e., Rs. 2 Lacs.

6. He states that there is a balance amount of CSSS funds i.e., Rs. 24 Lacs.

7. He states the balance amount of Rs. 24 Lacs should be disbursed by the Respondent Nos. 1 and 2 in a manner, so as to ensure that the Petitioner receives a total sum of Rs. 20 Lacs out of the total CSSS funds i.e., Rs. 60 Lacs.

8. In other words, he states that from the balance CSSS funds of Rs. 24 Lacs available with the Respondents Nos. 1 and 2, Petitioner be paid Rs. 18 Lacs and Respondent Nos. 3 and 5 be paid Rs. 3 Lacs each.

9. Learned counsel for the Respondent Nos. 1 and 2 states that he will take instructions as to, whether disbursements can be made in the aforesaid manner so that the judgment dated 06.11.2020 and directions in order dated 02.08.2022 passed by this Court can be complied with in letter and spirit.



10. To ensure that there is no objection by any party, notice may also be issued, on deposit of process fee by Petitioner, to Respondent Nos. 3 and 5 who are the other beneficiaries in the matter, for the date already fixed.
11. Learned counsel for the Respondent Nos. 1 and 2 states that they will not make further payment until the next date of hearing.
12. List on 08.02.2023.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 01, 2022/msh