

Pitambari Devi and others vs. Gurpreet Singh and others

CMP No.15190 of 2025 in FAO No.239 of 2010

09.07.2025 Present: Mr.G.R. Palsra, Advocate, for the applicants-appellants.
None for respondents No.1 and 2.
Mr.Praneet Gupta, Advocate, for respondent No.3.

CMP No.15390 of 2025

This application has been filed on behalf of applicant-respondent No.2-Hem Raj for discharging his natural guardian/mother respondent No.1 Pitambari Devi and allow him to represent himself in his own capacity. Photocopy of Matriculation Certificate indicating his Date of Birth as 18.04.1994, has been placed on record, which indicates that he has attained majority on 19.04.2012.

In view of above, applicant-respondent No.2-Hem Raj is permitted to represent himself in his own capacity and his natural guardian/mother respondent No.1 Pitambari Devi is discharged from representing him.

Application stands disposed of.

CMP No.15391 of 2025

This application has been filed for deletion of name of appellant No.3-Khimi Devi, mother of deceased-Narender alias Joginder (mother-in-law of Pitambari Devi and grandmother of Hem Raj). She was one of the claimants and on her death amount of compensation falling in her share is to be disbursed amongst the remaining claimants.

Though legal heir Certificate has been placed on record alongwith this application with prayer to delete name of Khimi Devi and disburse the amount of compensation amongst her legal heirs, including her two daughters, in

addition to Pitambari and Hem Raj claimants, but I am of the considered opinion that those legal heirs of deceased Khimi Devi, who were not dependent legal heirs/representatives of deceased-Narender, (on account of whose death, compensation has been awarded to Pitambari Devi, Hem Raj, including Khimi Devi), shall not be entitled for compensation.

Doctrine of reversion to source shall be applicable in present matter like provisions of Section 15(2) of Hindu Succession Act and, therefore, in present case, since compensation has been awarded on account of death of Narender, therefore, his dependents-claimants would only be entitled for compensation. On death of one of such claimants, amount is to be disbursed amongst remaining dependents-claimants.

As such, amount falling in share of Khimi Devi has to be disbursed amongst Hem Raj and Pitambari Devi, in equal share.

With aforesaid observation, name of Khimi Devi is ordered to be deleted and application is disposed of accordingly.

CMP No.15190 of 2025

This application has been filed for release of compensation amount in favour of applicants/respondents No.1 and 2.

Main appeal stands decided on 12.05.2016.

No objection has been communicated on behalf of the non-applicant/respondent-Insurance Company for allowing the application.

In view of the above, present application is allowed and entire amount of compensation is to be disbursed amongst applicants-respondents No.1 and 2 with proportionate interest in proportion of the apportionment done by the MACT/final judgment passed by this Court in FAO No.239 of 2010 as the case may be, by remitting the same in their bank accounts, mentioned in para-5 of the application, photocopies of front pages of Pass Books whereof have been annexed with this application.

Application stands disposed of.

(Vivek Singh Thakur)
Judge

July 9, 2025
(Purohit)