

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

LPA No.330 of 2025

Decided on: 08.09.2025

Kamla Devi

...Appellant

Versus

State of Himachal Pradesh & Ors.

....Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting?.*

For the appellant: Appellant [Kamla Devi] in person
with Mr. Vijay Singh Bhatia,
Advocate.

For the respondents: Mr. Gobind Korla, Additional
Advocate General, for respondents
No.1 to 3-State.

Respondent No.4 [Gaitri Devi]
present in person with Mr. Vijay
Chaudhary, Advocate.

G.S. Sandhawalia, Chief Justice [Oral]

The present Letters Patent Appeal is directed
against the judgment dated 15.07.2024, passed by the
learned Single Judge in CWP No.87 of 2024, tilted Kamla
Devi Versus State of Himachal Pradesh & others, whereby,
the proceedings of the writ petition were closed, with liberty
to the petitioner to seek appropriate remedy, in accordance
with law, with regard to the issues raised in the petition.

2. Learned Single Judge noticed that the appellant

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

was claiming to be the legally wedded wife of her husband late Shri Sohan Lal, who retired as Assistant Sub-Inspector from Police Department and died on 02.03.2023. He accordingly came to the conclusion that name of respondent No.4 [Gaitri Devi] was mentioned in the Pension Payment Order, which has been issued by the Accountant General as a recipient of the family pension and, therefore, the pension was being rightly released and paid in her favour. On account of the fact that respondent No.4 was entered in the service record and that disputed questions, as such, were being raised, it was held that the dispute could not be decided by under Article 226 of the Constitution of India.

3. From the material placed on record, it transpires that deceased-Government Servant [Sohan Lal] himself had filed a divorce petition on 22.06.2017, against the appellant thus admitting her to be his wife, which was dismissed on 15.03.2023 as infructuous by the Court of learned Additional Principal Judge Family Court, Ghumarwin, District Bilaspur, Himachal Pradesh, on the account of his death.

4. From the pleadings, it transpires that the present appellant was married on 06.12.1970, apparently, to the deceased-Government Servant and a daughter,

namely, Rachna Devi, had been born on 19.04.1976. The couple had separated and the present appellant had gone to *Radha Soami Satsung Beas* and Sohan Lal thereafter is stated to have married again on 02.02.1979 with private respondent No.4 [Gaitri Devi].

5. Vide order dated 30.07.2025, we noticed that from the second marriage, private respondent No.4 [Gaitri Devi] has four children and they are open to settlement regarding pension and, therefore, we found it fit to refer the matter for the purpose of exploring the possibility of settlement by way of mediation.

6. On the last date [21.08.2025], private respondent No.4 was present and her statement was recorded regarding resolving the issue to the extent that whether they were willing to divide the pension to the extent of 50% between the appellant [Kamla Devi] and herself, keeping in view their advanced ages. Her statement recorded by Registrar [Judicial] on 21.08.2025, reads as under:-

"LPA No.330 of 2025

Statement of Smt. Gyatri Devi W/o Late Shri Sohan Lal, aged about 64 years, R/o Village Haritalyangar, P.O. Dangar, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh.

On Oath
21.08.2025

Stated that Late Shri Sohan Lal had married me in the year 1979. After the death of my husband pensionary benefits were granted to me but the

same were challenged in the Hon'ble High Court by Mrs. Kamla Devi. I am ready to compromise the dispute with Mrs. Kamla Devi and I am ready and willing to share 50% of the pension amount with Mrs. Kamla Devi i.e. both of us shall be entitled to the extent of half share each.

I am making the present statement out of my free will and without any fear, undue influence and misrepresentation."

7. Today [08.09.2025] appellant-Kamla Devi has also come present in the morning session and agreed that her statement be recorded to that extent that the pension be divided 50% between both of them. Her statement is also recorded by the Registrar [Judicial], which reads as under:-

"LPA No. 330 of 2025

Statement of Smt. Kamla Devi W/o Late Shri Sohan Lal, aged about 70 years, R/o Village Bhagetu, P.O. Bhatwara, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh.

On Oath
08.09.2025

Stated that I have filed the Civil Writ Petition and the present LPA is outcome of that.

I have filed the case in order to get family pension, which was granted to respondent No.4.

I am ready to compromise the dispute with respondent No.4, namely Gyatri Devi and I am ready and willing to share the pension with her and both of us shall be entitled to the extent of half portion each i.e. I will get 50% of the pension amount and 50% of the pension amount shall be given to respondent No.4., namely Gyatri Devi.

I am making the statement today out of my free will without any force, fraud or undue influence or misrepresentation."

8. Keeping in view the above, since the parties have arrived at compromise, as such, we are of the

considered opinion that the present appeal is liable to be allowed and impugned judgment dated 15.07.2024, passed by the learned Single Judge is liable to be set aside. Ordered accordingly.

9. The State shall accordingly take steps to revise the pension case of the appellant and private respondent No.4 and grant them pension equally, in view of the compromise effected.

10. The needful be done within four weeks from today, after completion of all codal formalities, including providing of the Savings Bank Account Number of the appellant in which 50% of the pension has to be deposited.

11. Accordingly, the present appeal is allowed in the above terms.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

September 08, 2025
[Bhardwaj/Shivender]