



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 28TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE MRS. JUSTICE M.G.UMA

WRIT PETITION NO.104450/2022(GM-RES)

C/W

WRIT PETITION NO.147216/2020

IN W.P.NO.104450/2022:

BETWEEN:

SMT. SUSHILA W/O. GANGADHAR SADANI,
AGE: 69 YEARS, OCC: HOUSEHOLD,
R/O: MANGALWAR PET,
HEBBALLI AGASI, DHARWAD – 580 001.

...PETITIONER

(BY SRI V. P. VADAVI, ADVOCATE)

AND:

1. THE REGISTRAR,
KARNATAKA UNIVERSITY,
DHARWAD – 580 001.

2. SMT. SHAKUNTALA
W/O. GANGADHAR SADANI,
AGE: 67 YEARS, OCC: HOUSEWORK,
R/O: YELIGAR ONI, HOSAYALLAPUR,
DHARWAD – 580 001.

3. SHANKAR S/O. GANGADHAR SADANI,
AGE: 40 YEARS, OCC: SERVICE,
R/O: YELIGAR ONI, HOSAYALLAPUR,
DHARWAD – 580 001.

...RESPONDENTS

(BY SRI S.S.BETURMATH, ADVOCATE FOR
SRI K.L.PATIL, ADVOCATE FOR R1;
SRI GIRISH HIREMATH, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF MANDAMUS



DIRECTING THE RESPONDENT TO CONSIDER REPRESENTATION VIDE ANNEXURE-D AND E DATED 31/01/2020 AND 19/01/2022 RESPECTIVELY AND TO PAY THE PENSIONARY BENEFITS AS PER THE ORDER DATED 14/12/2019 IN O.S. 41/2019 VIDE ANNEXURE-A PASSED BY PRL. FAMILY COURT DHARWAD WITH 12% INTEREST AND ETC.,

IN W.P.NO.147216/2020:

BETWEEN:

THE REGISTRAR
KARNATAKA UNIVERSITY,
DHARWAD – 580 001.

...PETITIONER

(BY SRI S.S.BETURMATH, ADVOCATE FOR
SRI K. L. PATIL, ADVOCATE)

AND:

1. SMT. SHAKUNTALA
W/O. GANGADHAR SADANI,
AGE: 67 YEARS, OCC: HOUSEWORK,
R/O: YELIGAR ONI, HOSAYALLAPUR,
DHARWAD – 580 001.
2. SHANKAR S/O. GANGADHAR SADANI,
AGE: 41 YEARS, OCC: SERVICE,
R/O: YELIGAR ONI, HOSAYALLAPUR,
DHARWAD – 580 001.
3. SMT. SUSHILA CALLING HERSELF
W/O. GANGADHAR SADANI,
AGE: 69 YEARS, OCC: SERVICE,
R/O: GALI ONI, HEBBALLI AGASI,
DHARWAD – 580 001.

...RESPONDENTS

(BY SRI GIRISH HIREMATH, ADV. FOR R1 AND R2;
SRI V.P.VADAVI, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED 14.12.2019 PASSED BY THE LOK-ADALAT IN O.S.NO.41/2019 VIDE ANNEXURE-C ON THE FILE OF FAMILY COURT, DHARWAD, IN THE INTEREST OF JUSTICE AND EQUITY.



THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING - B GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner in W.P.No.104450/2022 being defendant No.1 in O.S.No.41/2019 on the file of the Family Court, Dharwad is seeking issuance of writ in the nature of mandamus directing respondent No.1 to consider the representations produced as per Annexures-D and E dated 31.01.2020 and 19.01.2022 respectively.

2. Petitioner in W.P.No.147216/2020 is seeking issuance of writ in the nature of certiorari to quash the order dated 14.12.2019 passed in O.S.No.41/2019 on the file of the Family Court, Dharwad before the Lok Adalath produced as per Annexure-C.

3. Parties are referred to as per their ranking in W.P.No.104450/2022.

4. Heard learned counsel Sri.V.P.Vadavi for the petitioner, learned counsel Sri.S.S.Beturmath for



respondent No.1 and learned counsel Sri.Girish S.Hiremath for respondent Nos.2 and 3.

5. Petitioner filed the petition contending that respondent Nos.2 and 3 being plaintiffs in O.S.No.41/2019 before the Family Court, Dharwad against the petitioner and respondent No.1 sought pensionary benefits in view of the death of late Gangadhar Sadhani. It is the contention of the petitioner and respondent No.2 that late Gangadhar Sadhani is their husband and he was serving under respondent No.1-University. He retired from the service and thereafter died. However, his pensionary benefits were not settled. Therefore, respondent Nos.2 and 3 have filed the suit before the trial court. Respondent Nos.2 and 3 and the petitioner entered into a compromise before the Lok Adalath agreeing to share the pension and arrears of pension amount equally. The said joint memo was accepted by the Lok Adalath. In spite of producing the said order which is as per Annexure-A, respondent No.1 was



not ready and willing to release the pensionary benefits and therefore, the petitioner is before this court.

6. Learned counsel submitted that respondent No.1 alone is disputing the entitlement of the petitioner and respondent Nos.2 and 3 to seek pensionary benefits equally. Respondent Nos.2 and 3 have no objection for the same, since there was a compromise before the Lok Adalath. It is stated that respondent No.3 has already given up his right over the pensionary benefit while entering into compromise before the Lok Adalath. Accordingly, he prays for allowing the petition by directing respondent No.1 to release the pensionary benefits in favour of the petitioner and respondent No.2 equally.

7. Learned counsel for respondent Nos.2 and 3 admits the contention taken by the learned counsel for the petitioner and submitted that he has no objection to allow the petition directing respondent No.1 to apportion the pensionary benefits equally amongst the petitioner and respondent No.2.



8. Learned counsel for respondent No.1 opposing the petition submitted that, even though respondent No.1 herein was defendant No.2 in O.S.No.41/2019, it was not party to the compromise entered into between petitioner and respondent Nos.2 and 3 before the Lok Adalath. Therefore, the said order is not binding on it. Accordingly, W.P.No.147216/2020 is filed seeking to quash the said order passed in the Lok Adalath. However, the learned counsel for respondent No.1 fairly submits that, if the court directs respondent No.1 to release the pensionary benefits along with arrears equally in favour of the petitioner and respondent No.2, respondent No.1 is ready to obey the said order. Accordingly, he prays for passing appropriate order.

9. Perused the material on record.

10. It is not in dispute that suit O.S.No.41/2019 was filed by respondent Nos.2 and 3 before the trial court seeking penesisionary benefits of late Gangadhar Sadhani. It is also not in dispute that late Gangadhar Sadhani was



working under respondent No.1 and subsequently he died. It is also admitted that pensionary benefits were not settled in favour of the family members. It is the contention of the petitioner and respondent No.2 that they were the wives of the deceased Gangadhar Sadhani. Admittedly, petitioner and respondent Nos.2 and 3 have entered into a compromise and filed joint memo agreeing to receive the pensionary benefits equally, to be payable by respondent No.1. However, respondent No.1, who was defendant No.2 in the said suit was not party to the joint memo. Therefore, respondent No.1 is challenging the said order accepting the joint memo and decreeing the suit. However, the fact remains that respondent No.1 is not disputing any of the facts stated above. It is also not in dispute that pensionary benefits are to be settled after the death of late Gangadhar Sadhani. It is the contention of the petitioner and respondent No.2 that both of them are wives of late Gangadhar Sadhani and they mutually agreed to share pensionary benefits equally and filed joint memo before the Lok Adalath. Respondent No.3 being the



son of late Gangadhar Sadhani has given up his claim over the penesisionary benefits. Under such circumstances, I am of the opinion that respondent No.1 may be directed to release the pensionary benefits along with arrears equally in favour of petitioner and respondent No.2. Accordingly, I proceed to pass the following:

ORDER

- i) W.P.No.104450/2022 is allowed.
- ii) Respondent No.1 is directed to settle the pensionary benefits amongst the petitioner and respondent No.2 equally, within a period of three months from the date of receipt of a copy of this order.
- iii) In view of the above, W.P.No.147216/2020 is disposed of.

**SD/-
JUDGE**