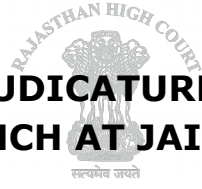




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 17330/2022

Ram Pyari Suman W/o Late Shri Puran Lal Saini, R/o Opposite  
Gurudwara, Kota Junction, Kota.

----Petitioner

Versus

1. The State of Rajasthan, through the Principal Secretary,  
Department of Finance, Secretariat, Jaipur.
2. Director, Pension And Pensioners Welfare, Rajasthan,  
Jaipur.
3. Additional Director, Pension and Pensioners, Welfare,  
Bharatpur.
4. District Collector, Bharatpur.

----Respondents

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For Petitioner(s) : Mr. Tushar Panwar,  
Mr. Rohit Kumar Mahrda,  
Ms. Vinita Saini &  
Ms. Vijay Laxmi

For Respondent(s) : Mr. V.D. Gathala, AGC with  
Ms. Preeti Soni  
Mr. Subham Gupta for  
Mr. Rahul Lodha, AGC

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**08/01/2026**

1. The instant writ petition is preferred by the petitioner with  
following prayer:-

"It is, therefore, most respectfully prayed that this  
Hon'ble Court may graciously be pleased to allow  
this writ petition and; further be pleased to direct  
the respondents to release the family pension and  
arrears thereof to the petitioner along with interest  
thereupon @ 18% per annum.

Any other order or direction which this Hon'ble  
Court deems just and proper in the facts and



circumstances of the case may also be passed in favour of the petitioner.”

2. The short controversy raised herein is that : Whether the petitioner, who claimed to be wife of the deceased Government servant Puran Lal Saini is entitled for family pension or not?

3. Learned counsel for the petitioner submits that after death of first wife, deceased Puran Lal Saini has solemnized marriage with the petitioner Ram Pyari Suman and out of the wedlock, the petitioner has given birth to one female child. He further submits that due to some matrimonial dispute with Puranlal, the petitioner was constrained to file a proceeding under Section 125 of CrPC before the Family Court, Kota, wherein the Family Court has granted maintenance and same is paid by late Shri Puran Lal Saini. He further submits that after some time, an application for enhancement in maintenance is filed under Section 127 of CrPC wherein deceased Puran Lal Saini has appeared as a witness and his admission clearly indicate that he considers present petitioner as his wife.

4. Learned counsel further placed reliance upon Rule 66 of the Rajasthan Civil Services (Pension) Rules, 1996, (for short 'the Rules of 1996') and further placed reliance upon judgment of a Co-ordinate Bench of this Court in case of **Urmila Devi Vs. State of Rajasthan and Ors. : S.B. Civil Writ Petition No.3193/2022** (decided on 03.09.2024 by a Co-ordinate Bench) and submitted that even if there exists a matrimonial dispute between husband and wife and wife is not nominated as the successor or a family members, to receive service benefits after the death of Government servant, even then a wife is entitled as she has not been legally divorced from the deceased Government





servant. He further placed reliance upon a judgment of Division Bench of High Court of Delhi in case of **Smt. Soni Devi Vs. Union of India and Anr. : W.P.(C) No.4501/2018** decided on 01.08.2025.

4. Aforesaid contentions are opposed by learned counsel appearing on behalf of the respondents. He submits that present petitioner is not nominated as family member by the deceased Government servant during his lifetime and unless the name of present petitioner is mentioned in Government record as one of the family member, the petitioner is not entitled to receive family pension after death of Government servant. He further submits that Annexure-3, as annexed by the petitioner itself indicate that the petitioner has entered into a contractual relation like *Nata* and same cannot be termed as marriage, so the petitioner is not entitled for any relief from this Hon'ble Court.

5. Heard learned counsel for the parties and perused the material placed on record including the reply filed by the respondents on record.

6. The facts of the case indicate that the petitioner has claimed herself to be a legally wedded wife of deceased Government servant Puran Lal Saini, who expired on 20.12.2020. Admittedly, deceased Puran Lal Saini has retired from the post of Patwari (Government service) and a PPO No.764934 has been issued in his favour by the Pension Department. After the death of Puran Lal Saini, the present petitioner has approached the respondents for family pension and filed an application by mentioning a fact that she is a "*Nata Wife*". The respondents have refused to release pension as there was no proof on the record that the present





petitioner has solemnized marriage with deceased Government servant Puran Lal Saini. The family details submitted by deceased Puran Lal Saini during his lifetime (as on 17.01.2006) is placed on record as Annexure R-1, which indicate that two sons (I) Anoop Kumar Saini and (II) Pramod Kumar Saini, (both married), are family members of deceased Government servant.

7. The material on record indicate that the present petitioner has filed a petition under Section 125 of CrPC for seeking maintenance from Puran Lal Saini and same was allowed on 25.04.2008. Thereafter, an application under Section 127 of CrPC is filed by petitioner and same was decided as Misc. Criminal Case No.359/2014 by learned Family Court No.1, Kota on 14.02.2017, wherein evidence of NAW-1 Puran Lal was mentioned at page No.3 of judgment. The evidence clearly indicate that Puran Lal Saini has termed present petitioner-Smt. Ram Pyari as his wife and admitted that a daughter was born out of wedlock. The evidence of Government servant is admissible and it is part of a judgment, thus can be read as conclusive to decide the controversy raised in current petition. There is no other material on record to rebut the claim of petitioner. The admission of deceased Puran Lal Saini further indicate that he was also paying maintenance to his daughter Neetu till her marriage.

8. Having note of the fact that the order dated 14.02.2017 is sufficient to draw a conclusion that the present petitioner was admitted as wife by the deceased Government servant, though, same has been admitted as the second wife. The application of present petitioner indicate that she herself mentioned as "*Nata Patni*". It is necessary for the Court to consider about "*Nata*





*Vivah*". It is a practice prevalent in some of the rural areas of Rajasthan where after death or separation from existing husband, she enters into a contractual type of marital relation with a man. Section 7 of the Hindu Marriage Act, 1955, recognized "*Nata Vivah*", if performed in accordance with customary rites and ceremonies of the parties' community. Thus, there is no dispute about the fact that *Nata Vivah* is also considered as a form of marriage in rural areas of Rajasthan. Therefore, considering the admission, we can draw a conclusion that the present petitioner is wife of deceased Government servant Puran Lal Saini.

9. As regard to the provision of Rule 66 of the Rules of 1996 and further non submission of details to the Government is concerned, this issue has already been considered in case of **Urmila Devi Vs. State of Rajasthan and Ors.** (supra) by a Co-ordinate Bench of this Court and in case of **Smt. Soni Devi Vs. Union of India and Anr.** (supra) by a Division Bench of the High Court of Delhi. Therefore, the writ petition is liable to be allowed.

10. Accordingly, the writ petition is hereby allowed and the respondents are directed to consider the petitioner as wife and the legal beneficiary, entitled to receive family pension after death of deceased Government servant (Puran Lal Saini) as per Rule 66 of the Rules of 1996.

11. Misc. Application, if any, stands disposed of.

12. No order as to costs.

(ASHOK KUMAR JAIN),J

MR/49

