



WP(MD)No.15713 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP(MD)No.15713 of 2024

and

WMP(MD)Nos.13693 of 2024 and 7875 of 2026

K.Petchiammal

... Petitioner

Vs.

The Commissioner,
Employees Provident Fund Organization,
Bhavishyanidhi Bhavan,
Lady Doak College Road,
Chokkikulam,
Madurai-2.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the respondent in Ref.No.TN/LC/RO/MDU/81-82 Vol.I (98)/07 dated 22.08.2007 and quash the same and consequently direct the respondent to release the Employees Provident Fund of the petitioner's deceased husband named A.Karuppaiah in Account Number TN/5982/329 and other applicable monetary benefits in accordance with law.

For Petitioner : Mr.N.Shankar Ganesh
For Respondent : Mr.A.John Xavier



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ORDER

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The prayer in this writ petition is to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the respondent in Ref.No.TN/LC/RO/MDU/81-82 Vol.I (98)/07 dated 22.08.2007 and quash the same and consequently direct the respondent to release the Employees Provident Fund of the petitioner's deceased husband named A.Karuppaiah in Account Number TN/5982/329 and other applicable monetary benefits in accordance with law.

2. WMP(MD)No.7875 of 2026 seeking to grant leave to file counter affidavit in this writ petition is allowed.

3. The case of the petitioner is that her husband had worked as a Pump Man in the National Sugar Mill at Mettupatti, Alanganallur who suddenly died on 17/01/1994 while he was in service. The further case of the petitioner is that her husband had initially married one Indrani and due to matrimonial dispute, they entered into a divorce agreement on 30/09/1980 and got separated. Thereafter, the petitioner's husband married the petitioner. Out of the wedlock, they were blessed with four children. The petitioner raised a son who born to the first wife of her husband along



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with her four children. For receiving the gratuity of her deceased husband, the petitioner initiated proceedings in SOP.No.10 of 2002 on the file of the learned Principal Sub Judge, Madurai and the same was allowed and the succession certificate was issued in favour of the petitioner. Thereafter, the petitioner made an application to settle the other benefits such as, EPF, insurance and family pension on the strength of the above certificate. Since no order was passed, the petitioner filed W.P(MD)No.8917 of 2007 for a Mandamus, to issue EPF and family pension by considering her representation dated 07.08.2007. Pending the said writ petition, the present impugned order has been passed, rejecting the claim of the petitioner on the ground that the petitioner's marriage is not valid as it was performed when her husband's first wife was alive and that there was no legal dissolution of the marriage of the petitioner's husband with his first wife. Hence, the petitioner withdrew W.P(MD)No.8917 of 2007 and has filed the present writ petition challenging the rejection order.

4. Learned counsel appearing for the petitioner would submit that once the competent court issued a succession certificate, it will be valid for all practical purposes unless any contrary claim is pending before them. In the absence of any contrary claim or rival claim, rejecting the petitioner's



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application is not sustainable. Accordingly, he prays for appropriate orders.

5. Learned counsel appearing for the respondent would submit that the respondent was not a party in the succession certificate proceedings and hence, the same is not binding on them. Further, the succession certificate obtained by the petitioner is not applicable for receiving the provident fund and pensionary benefits of her husband. Accordingly, he prays for appropriate order.

6. Heard both sides and perused the materials available on record.

7. Admittedly, the petitioner obtained a succession certificate by impleading the first wife of her husband/the alleged divorced wife and other authorities. Merely because the respondent was not added as a party in the succession certificate proceedings, that does not mean that the succession certificate issued by the competent court is not binding on them. Admittedly, there is no rival claim pending before the respondent. In the absence of any rival claim, there is no legal impediment for the respondent to disburse the terminal benefits of the petitioner's husband.



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8. Hence, the impugned order is set aside and the respondent is directed to settle the entire terminal benefits of the petitioner's husband to the petitioner and other legal heirs, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.08.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

The Commissioner,
Employees Provident Fund Organization,
Bhavishyanidhi Bhavan,
Lady Doak College Road,
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Madurai-2.



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M.DHANDAPANI, J.

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ORDER MADE IN
W.P(MD)No.15713 of 2024
DATED : 06.08.2026