

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 3352 of 2009 (Y)

PETITIONER(S) :

K.RAJALAKSHMI
W/O.LATE K.M.NARAYANAN NAIR, SREEVALSOM
MANAPPURATH PARAMBU, FEROKE AMSOM, NALLOOR DESOM
FEROKE.P.O, KOZHIKODE.

BY ADVS.SMT.R.RANJINI
SRI.K.A.ABDUL NISTAR

RESPONDENT(S) :

1. ASST.GENERAL MANAGER
LOCAL HEAD OFFICE, P.P.G.DEPT, S.S.KOVIL ROAD
THAMBANOOR, THIRUVANANTHAPURAM-695001.

2. CHIEF MANAGER, STATE BANK OF INDIA,
TELLICHERRY BRANCH.

3. RAJEEVAN, K. S/O. LATE NARAYANAN NAIR,
AGED 45, KUNNUMMEL HOUSE, THIRUNONEPRAM,
THUNDIYIL P.O., VALLARVALLI AMSOM,
THIRUVANANTHAPURAM DESOM - 695 581

4. RADHIKA MANIKUMAR, D/O. LATE NARAYANAN
NAIR, AGED 42, BHAVANA, THIRUVALLOOR AMSOM,
THODANNUR DESOM, THODANUR P.O. VADAKARA
TALUK - 673 543

5. RAJITHA K. D/O. LATE NARAYANAN NAIR,
AGED 40, KAILAS, VALLANVELIL AMSOM,
THIRUVONEPRAM, THUNDIYIL P.O. 695 581

6. K.RAJESH, S/O. LATE NARAYANAN NAIR, AGED
32, MANAPARAMBATH PARAMBIL, FEROKE AMSOM,

NALLOOR DESOM, FEROKE P.O.
OZHIKODE - 673 001

7. RETHI D/O. NARAYANAN NAIR, AGED 32,
MANAPARAMBATH PARAMBIL,
FEROKE AMSOM, NALLOOR DESOM, FEROKE P.O.
KOZHIKODE DISTRICT - 673 001

(RESPONDETS 3 TO 7 IMPEADED AS PER ORDER
IN I.A. NO. 4640/2009)

BY SC SRI.P.V.SURENDRANATH FOR R12 & R2
ADDL.R3 TO 7 BY ADVS.M/S. V.P.REGHURAJ & P.U. SHAILAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 25-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE SUCCESSION CERTIFICATE GRANTED BY THE MUNSIFF COURT, TELLICHERRY IN O.P. NO. 19/2007

EXT.P2: TRUE COPY OF THE DEATH CERTIFICATE OF LATE K.M.NARAYANAN NAIR ISSUED BY KOZHIKODE CORPORATION

EXT.P3: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DT. 16-4-2007

EXT. P4: TRUE COPY OF THE MARRIAGE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, FEROKE DATED 23-04-2007

EXT.P5: TRUE COPY OF THE REPLY LETTER ISSUED BY THE OFFICE OF THE 1ST RESPONDENT

EXT.P6: TRUE COPY OF THE ELECTORAL IDENTITY CARD OF THE PETITIONER

EXT.P7: TRUE COPY OF THE LETTER DATED 28-2-2008 ISSUED BY THE 1ST RESPONDENT

EXT.P8: TRUE COPY OF THE LETTER DATED 24-11-2008 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT

EXT.P9: TRUE PHOTOCOPY OF THE ORIGINAL PETITION NO. 19/2007 FILED UNDER SECTION 372 OF INDIAN SUCCESSION ACT, 1925

EXT.P10: TRUE PHOTOCOPY OF THE DEATH CERTIFICATE OF MRS. LAKSHMI AMMA

EXT.P11: THE PHOTOCOPY OF THE LETTER DATED 8-11-2006 SUBMITTED BEFORE THE ASSISTANT GENERAL MANAGER STATE BANK OF INDIA, M.G. ROAD, THALASSERY

EXT.P12: PHOTOCOPY OF THE LETTER DATED 17-2-2011 ISSUED BY THE BRANCH MANAGER, SBI.

/TRUE COPY/

P.S. TO JUDGE

A.M. SHAFFIQUE, J.

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W.P.C. No. 3352 of 2009 - Y
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Dated : 25 - 02 - 2015

JUDGMENT

Petitioner claims to be the wife of Late Sri. Narayanan Nair who retired from the service of the State Bank of India. According to her, she is entitled for pension under the Family Pension Scheme. Though she made a request, the Bank insisted for producing marriage certificate which she was unable to produce. According to her, the marriage was conducted as per customary rites. Petitioner had produced certificates from the Village Officer as well as certain other records to prove that she is the legally wedded wife of Late Narayanan Nair.

2. Counter affidavit has been filed by the respondent Bank, inter alia, stating that as per the service records available with the

Bank, one Smt. Lakshmi is shown as the wife of Late. Sri. Narayanan Nair. No changes were made in the service records to show that the petitioner is the legally wedded wife of Late. Sri. Narayanan Nair. It is submitted that the first wife Lakshmi expired prior to the death of Narayanan Nair.

3. The 3rd respondent has filed a counter affidavit stating that the petitioner is not the legally wedded wife of Late. Narayanan Nair.

4. The fact being so, there is dispute regarding whether the petitioner is the legally wedded wife of Narayanan Nair for providing the benefits under the Family Pension Scheme. Petitioner will have to prove that she is the legally wedded wife of Narayanan Nair. Such facts cannot be adjudicated in a petition filed under Article 226 of the Constitution. Respondents have disputed the right of the petitioner to receive the family pension and the 3rd respondent is even disputing the fact that she is the legally wedded wife of Late Sri. Narayanan Nair. Under such

circumstances, the only option available to the petitioner is to approach the civil court and get an appropriate declaration as may be advised.

In the result, this Writ Petition is dismissed.

Sd/- A.M. SHAFFIQUE
(Judge)

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/truecopy/

P.S. to Judge