

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 1373 of 2015 (V)

PETITIONER :

**SALAMMA J.,
W/O.LATE M.V.THOMAS, MENOTHMALIL HOUSE, METHALA P.O.,
KUNNATHUNADU, ERNAKULAM DISTRICT
NOW RESIDING AT "SIJI BHAVAN", ARINALLOOR, THEVALAKKARA,
KOLLAM DISTRICT.**

**BY ADVS.SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY (FINANCE),
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.PIN-695 001**
- 2. THE ASSISTANT EDUCATIONAL OFFICER,
ADIMALI, IDUKKI DISTRICT. PIN-685 588**
- 3. THE TAHSILDAR,
KUNNATHUNADU, PERUMBAVOOR, ERNAKULAM DISTRICT.**
- 4. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM.PIN-686 673**
- 5. MR.BASIL THOMAS,
S/O.LATE M.V.THOMAS, MENOTHMALIL HOUSE, METHALA P.O.,
KUNNATHUNADU, ERNAKULAM DISTRICT-683 545**
- 6. SMT. PREETHI THOMAS,
D/O.LATE M.V.THOMAS, MENOTHMALIL HOUSE, METHALA P.O.,
KUNNATHUNADU, ERNAKULAM DISTRICT-683 545**

**R1 TO R4 BY GOVERNMENT PLEADER SMT. C.K.SHERIN
R5 & R6 BY ADV. SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE PHOTOCOPY OF MARRIAGE CERTIFICATE ISSUED BY ST.MARY'S JACOBITE SYRIAN CHURCH, ODAKKALY ASSAMANNOOR, ERNAKULAM.
- EXT.P2. TRUE PHOTOCOPY OF MARRIAGE CERTIFICATE ISSUED BY ASSAMANNOOR GRAMA PANCHAYATH, ERNAKULAM.
- EXT.P3. TRUE PHOTOCOPY OF THE APPLICATION DATED 23/8/2013 SUBMITTED TO THE 3RD RESPONDENT
- EXT.P4. TRUE PHOTOCOPY OF THE LETTER DATED 24/6/2014 ISSUED BY THE 3RD RESPONDENT
- EXT.P5. TRUE PHOTOCOPY OF REPLY LETTER DATED 22/12/2014.
- EXT.P6. TRUE PHOTOCOPY OF THE NOTICE DATED 17/2/2014 ISSUED BY THE 2ND RESPONDENT
- EXT.P7. TRUE PHOTOCOPY OF REPORT OF THE VILLAGE OFFICER DATED 26/4/2013.
- EXT.P8. TRUE PHOTOCOPY OF THE CERTIFICATE DATED 24/6/2013 ISSUED BY THE 3RD RESPONDENT
- EXT.P9. TRUE PHOTOCOPY OF THE LETTER DATED 10/9/2014 ISSUED BY THE 2ND RESPONDENT.
- EXT.P10. TRUE PHOTOCOPY OF THE LETTER DATED 10/11/2014.

RESPONDENT(S)' EXHIBITS

- EXT.R5(A) TRUE COPY OF THE FAMILY SETTLEMENT DATED 15TH MAY 2015, ENTERED BETWEEN PETITIONER AND 5TH & 6TH RESPONDENTS.

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

W.P.(C) No. 1373 of 2015 (V)

Dated this the 16th day of June, 2015

J U D G M E N T

The writ petition will stand disposed of recording the terms of the settlement entered into between the petitioner and respondents 5 and 6. The family settlement will form part of the judgment. The petitioner hence, would be permitted to withdraw the family pension and the arrears due with respect to late M.V. Thomas and the other retirement dues, including gratuity, would be permitted to be withdrawn by respondents 5 and 6.

2. The further prayer is with respect to the issuance of a legal heir-ship certificate, which is indicated at Ext.P7 only in the name of respondents 5 and 6. Ext.P3 application hence shall be considered and the petitioner too shall be included along with respondents 5 and 6 in the legal heir-ship certificate. The petitioner admittedly is the second wife of the deceased and respondents 5 and 6 the children in his first marriage. The disbursal as directed

herein shall be made within a period of three months of date of production of the certified copy of the judgment to the respective parties.

Writ Petition allowed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE