

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21906 of 2010 (K)

PETITIONER(S):

- 1. BABY.K.K. AND ANOTHER
CHIRAKKAL, KATTUKAMBAL, THRISSUR DISTRICT.**
- 2. THANKAMANY K.K., AGED 57,
CHIRAKKAL, KATTUKAMBAL, THRISSUR DISTRICT.**

**BY ADVS.SRI.DINNY THOMAS
SRI.DOMINIC JOHNSON
SMT.M.SRUTHY**

RESPONDENT(S):

- 1. DEPUTY DIRECTOR OF EDUCATION AND OTHERS
THRISSUR.**
- 2. ASSISTANT PROVIDENT FUND OFFICER,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
THRISSUR.**
- 3. ASSISTANT EDUCATIONAL OFFICER,
KUNNAMKULAM.**
- 4. HEADMISTRESS, E.M.SCHOOL,
KATTUKAMBAL, THRISSUR DISTRICT.**

**Addl.5. K.K. PETER
S/O.KOLLANNOOR KAKKUNNY, KOLLANNOOR HOUSE
KANNIPPAYYOOR, KUNNAMKULAM VIA
THRISSUR DISTRICT - 680 517**

ADDL.R5 IS IMPEADED AS PER ORDER DATED 10.04.2015 IN IA 5258/15.

**R,R1 &2 BY ADV. GOVERNMENT PLEADER, SMT. M.J. RAJASREE
R,R4 BY ADV. SRI.K.RAJESH KUMAR
R(ADDL)5 BY ADV. SRI.T.A.RAJAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 TRUE COPY OF THE FORM OF NOMINATION
- EXT.P2 TRUE COPY OF THE ORDER OF SANCTION
- EXT.P3 TRUE COPY OF THE BILL
- EXT.P4 TRUE COPY OF THE DEATH CERTIFICATE
- EXT.P5 TRUE COPY OF THE LETTER DATED 10.11.2009
- EXT.R5(a) TRUE COPY OF THE ORDER IN SOP No.15/2011 DATED 15.07.2014 OF THE 1ST ADDITIONAL SUB COURT, THRISSUR.
- EXT.R5(b) TRUE COPY OF THE LETTER DATED 05.03.2015 OF THE SECOND RESPONDENT.
- EXT.P6 TRUE COPY OF THE LETTER DATED 28.11.2009.
- ANNEXURE A1 TRUE COPY OF THE ORDER DATED 15.07.2014 OF THE 1ST ADDITIONAL SUB COURT, THRISSUR IN SOP No.15 of 2011.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 20th day of July, 2015

JUDGMENT

The petitioners, who are the sisters of one K.K.Lizy, who was working as an LPSA in the 4th respondent's school, approached this Court, consequent to the expiry of the said Smt.Lizy, for claiming a share in the Provident Fund amounts due to the deceased Lizy under circumstances, where they were nominated by the deceased Lizy to receive her Provident Fund in equal shares. They approached this Court aggrieved by the inaction on the part of the respondents in releasing the amounts due to them pursuant to the nomination exercised by the deceased Lizy. It would appear that by Ext.R5(a) order passed in a Succession OP, the petitioners and the additional 5th respondent in the writ petition have been held entitled to the Provident Fund amount of deceased Lizy in equal shares. Thus, taking note of the said order passed by the Court of Additional Sub Judge, Thrissur, in Succession OP No.15 of 2011, this writ petition is disposed with a direction to the respondents to disburse the Provident Fund amount due to the petitioners and the additional 5th respondent, in the manner contemplated under Ext.R5(a) order of the Additional Sub Judge, Thrissur. I make it clear that the said disbursal of amounts, in accordance with Ext.R5

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(a) order, shall be without prejudice to the right of the parties to challenge the said order of the Sub Judge, in appropriate proceedings.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das