

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28619 of 2004
and
W.P.M.P.No.759 of 2007

Tmt.N.Vanaja

.. Petitioner

Vs.

1. The Bar Council of Tamil Nadu,
Rep. by its Secretary,
High Court, Chennai-600 104.

2. The Advocates Welfare Fund Committee,
Rep. by its Secretary,
Bar Council of Tamil Nadu,
High Court, Chennai-600 104.

3. The President,
Bar Association,
Srivilliputhur.

4. Tmt.S.Uma

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondents 1 to 3 from paying any amount to the fourth respondent under the provisions of the Advocates Welfare Fund Rules payable on the death of late R.Nammalwar.

For Petitioner : No appearance

For Respondents : M/s.M.Leena for Mr.S.Y.Masood for RR-1 and 2
Mr.P.Duraisamy for R-4
R3-No Appearance

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to forbear the respondents 1 to 3 from paying any amount to the fourth respondent under the provisions of the Advocates Welfare Fund Rules payable on the death of late R.Nammalwar.

2. There is no representation for the petitioner. The deceased R.Nammalwar was enrolled as an Advocate on 13.01.1988 and he died on 22.09.2003. The petitioner has not appeared before this Court to establish her stand that she is the wife of the deceased Nammalwar. Even according to the respondents 1 and 2, the nominee is the fourth respondent and Rs.20,000/- was already paid to the fourth respondent towards the Bar Council of Tamil Nadu Advocates Welfare Fund. The nominee who is holding the money in trust for the legal heirs of the petitioner, has not produced any document to show that she is the aunt of the said Nammalwar. However, the averment in paragraph 4 of the affidavit filed in support of the Writ Petition makes it clear that the deceased Nammalwar's father is said to have married the fourth respondent during the lifetime of the petitioner's mother-in-law Tmt.R.Subbulakshmi. Even though in paragraph 4 of the affidavit filed in support of this Writ Petition, the petitioner has stated that the fourth respondent is the second wife of the deceased Rangasamy Naicker, namely the father of the deceased Nammalwar, since there is no representation for the petitioner to establish her claim, whether there was a marriage between R.Rangasamy Naicker and the fourth respondent or the fourth respondent is the concubine of the said Rangasamy Naicker, cannot be gone into in this Writ Petition.

3. As it has been stated by the learned counsel for the respondents 1 and 2 that there is nomination in favour of the fourth respondent for payment of welfare fund to the fourth respondent, this Court directs the respondents 1 and 2 to release the amount to the fourth respondent under the provisions of the Advocates Welfare Fund Rules payable on the death of late R.Nammalwar, within a period of one month from the date of receipt of a copy of this order and after intimating the same to the writ petitioner. The Writ Petition is disposed of accordingly. No costs. W.P.M.P. is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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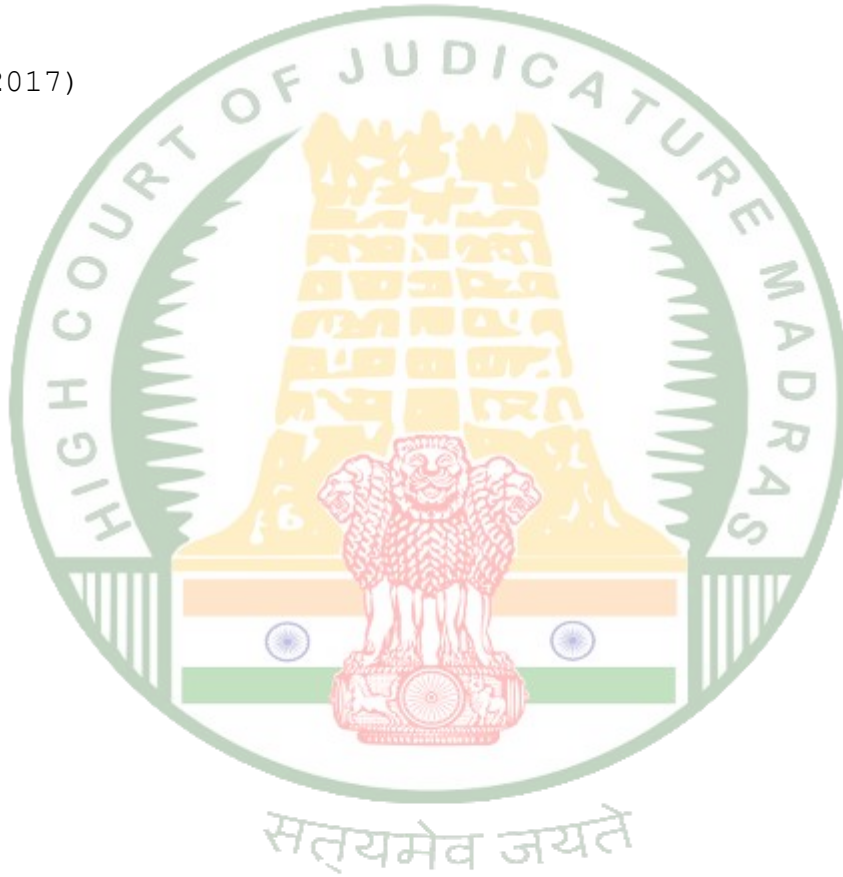
1. The Secretary,
The Bar Council of Tamil Nadu,
High Court, Chennai-600 104.

2.The Secretary,
The Advocates Welfare Fund Committee,
Bar Council of Tamil Nadu,
High Court, Chennai-600 104.

+1cc to Mr.S.Y.Masood, Advocate SR.No.52369
+1cc to Mr.S.Kasirajan, Advocate SR.No.51858

W.P.No.28619 of 2004

VGI (CO)
GN(10/08/2017)



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