

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 09.02.2018  
CORAM  
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN  
W.P.No.6224 of 2012

B.Jayalakshmi

... Petitioner

Vs

1.The Chief General manager,  
Mine-II & Extension,  
N.L.C. Limited, Neyveli-2.

2.The Deputy General Manager,  
Finance Account Centre Mine-II,  
N.L.C. Limited, Neyveli-2.

3.Rabitha

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents 1 and 2 not to disburse the death benefits of the petitioner's deceased on Vasantharajulu in favour of the 3<sup>rd</sup> respondent viz., Rabitha (wife of the deceased) until the minor children viz., 1.Vabinth 2 Ravinthra attain majority.

For Petitioner : Mr.A.G.Rajan

For Respondents : Mr.N.A.K.Sarma for R1 and R2  
No appearance for R3

O R D E R

The petitioner has approached this Court for seeking the following relief,

"To issue a writ of Mandamus directing the respondents 1 and 2 not to disburse the death benefits of the petitioner's deceased on Vasantharajulu in favour of the 3<sup>rd</sup> respondent viz., Rabitha (wife of the deceased) until the minor children viz., 1.Vabinth 2 Ravinthra attain majority."

2. According to the learned counsel for respondents 1 and 2, already the same issue is before the Principal Sub Court, Vridhachalam in Succession O.P.No.40 of 2012 between the parties. Since the Civil Court seized of the issue, at the instance of the petitioner, any orders can be always obtained before the competent Civil Court in the said Succession O.P.No.40 of 2012 which is pending.

3.In view of the averments contained in the counter affidavit, this Court is of the considered view that the present writ petition is not maintainable and the same is dismissed. It is always open to the parties to approach the Civil Court for obtaining necessary orders if they are so advised. No costs.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

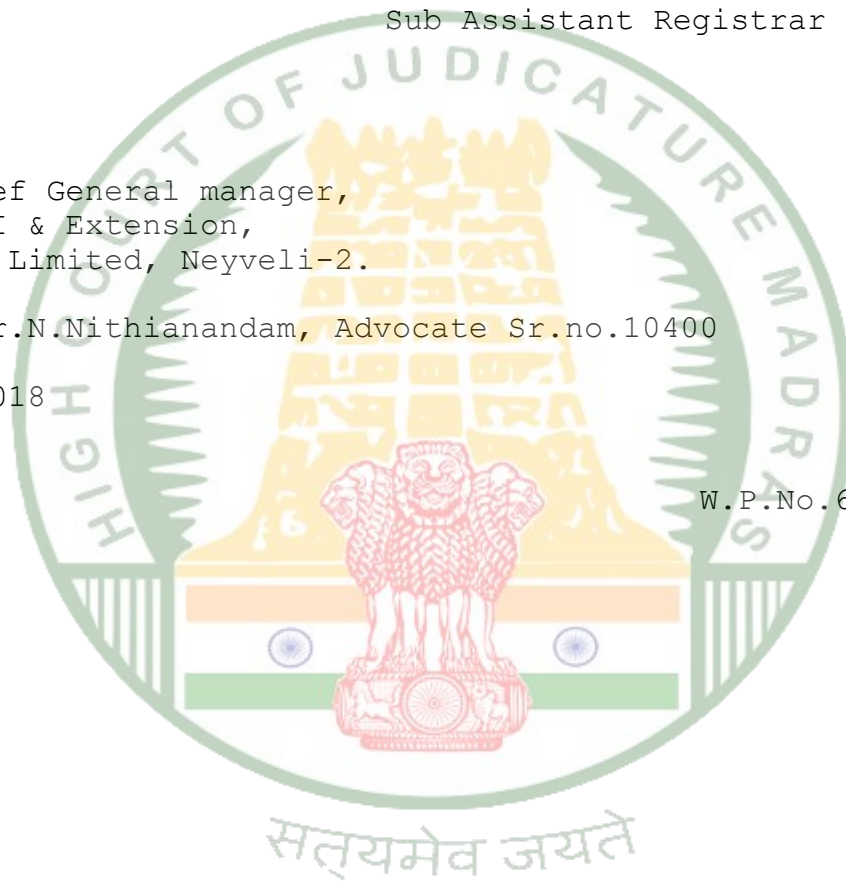
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To

1.The Chief General manager,  
Mine-II & Extension,  
N.L.C. Limited, Neyveli-2.

+1cc to Mr.N.Nithianandam, Advocate Sr.no.10400

sm:28.2.2018

W.P.No.6224 of 2012



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