



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD) No.235 of 2021

V.Maheswari ... Appellant/3rd party
Vs

1. V.Thalirkodi ... 1st Respondent/
Writ Petitioner

2. Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division, Bye pass Road,
Madurai - 625 016.

3. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division, Bye pass Road,
Madurai - 625 016.

4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002. ... Respondents 2 to 4/
Respondents 1 to 3

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 17.09.2020, passed in W.P(MD).No.11955 of 2020.

Prayer in WP(MD). 11955 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a appropriate Writ or order or direction in the nature of a Writ of Mandamus directing the respondents to settle the Family Pension to the petitioner being the legal heir and wife of deceased husband with effect from 01.08.2019 in lieu of death of petitioners husband Thiru.M.Vikkraman along with pension arrears together with interest at the rate of 12 percentage.



For Appellant

: Mr.C.Gangai Amaran

For Respondents

: Mr.T.Vilavan for R1
Mr.J.Senthil Kumariah
for R2 to R4

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

The appellant is a third party to the writ petition and he has filed this appeal after obtaining leave from this Court.

2. The first respondent herein has filed the writ petition in W.P(MD).No.11955 of 2020, to settle the family pension payable to her late husband M.Vikraman, along with arrears and interest at the rate of 12% p.a. The writ petition was disposed of by issuing certain directions to the authorities to conduct an enquiry. The appellant is before this Court challenging the said order on the ground that the first respondent has suppressed the fact that the Tahsildar has cancelled legal heirship certificate issued to her showing her and her daughter as a legal heir.

3. The learned Counsel appearing for the first respondent-writ petitioner submitted that the cancellation was on a wrong premise and the marriage between the first respondent and Vikraman is valid marriage, since it was conducted after Vikram divorced the appellant's mother. Further, it is submitted that the dispute is now before the civil Court at the instance of the first respondent, who has filed O.S.No.54 of 2021, on the file of the District Munsif Court, Madurai Town, wherein, a comprehensive relief has been sought for.

4. The learned Counsel appearing for the first respondent would submit that nobody is denying that the appellant is the legal heir of the Vikraman, but instead of unnecessarily litigating, the parties can mutually agree upon how the matter can be settled. Since the matter is already pending before the civil Court, we give two options to the appellant and the first respondent. One is to contest the matter before the civil Court in which the appellant can implead herself. The second option is for the parties to mediate and settle the dispute. In the light of the fact that the matter is already pending before the civil Court, the direction issued in the writ petition is unnecessary and therefore, the same is set aside.



5. The Writ Appeal stands allowed. The parties are directed to workout their rights in the pending civil suit. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye pass Road,
Madurai - 625 016.
2. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division, Bye pass Road,
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3. The Administrator,
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Employees Pension Fund Trust,
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Chennai-600 002.

+1 CC to M/s.T.VILLAVANKOTHA, Advocate (SR-16232[F] dated 17/04/2021)

W.A. (MD) No.235 of 2021
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VR (CO)

TR (04.05.2021) 3P 5C