



O.P.No.545 of 2021

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WEB C **C.V. KARTHIKEYAN, J.**

This Original Petition has been filed taking advantage of the Section 372 of the Indian Succession Act, 1925, seeking Succession certificate relating to the terminal benefits, family pension, General Provident Fund and Gratuity, death benefits and other benefits from Tamil Nadu Electricity Board (TANGEDCO) of Mr. P.L.Devarajan who was working as superintendent and who died intestate on 05.06.2020 owing to COVID-19 at Apollo Hospital.

2. The first respondent/Ms.Kalaivani claimed to be his second wife. However it is a fact that the first petitioner/Sakila is his legally married wife and the second petitioner/P.Lakshmi is the mother of the deceased. The third & fourth petitioners are his daughters. The second respondent is said to have been born to the first respondent though the deceased P.L.Devarajan.

3. I must please my due appreciation to the statement made across the bar by the learned counsel for the petitioner/Mr.B.Rajkumar Ashok Singh, that the petitioner would pay from and out of the amounts received from the TANGEDCO authorities a sum of Rs.1/- Lakh to the first respondent. The second respondent is entitled to 1/5th share out of the terminal benefits payable to deceased/Mr.P.L.Devarajan.

4. The family pension must however be paid to the first petitioner



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Mrs.Sakila who is the legally married wife. It is also stated that the fourth petitioner had made an application seeking employment and if it is permissible and within the Rules the TANGEDCO officials may offer any suitable employment to the fourth petitioner.

5. The parties were directed to tender evidence before the learned Master. The first petitioner/Mrs.D.Sakila examined herself as P.W.1. The photographs taken at her marriage with the deceased Mr.P.L.Devarajan was marked as Ex.P1. The learned Master had put up the issue of admissibility. There can be no doubt that the said photographs were taken at the time of marriage. The original marriage invitation between the deceased and Mrs.D.Sakila was marked as Ex.P2. The birth certificates of the third and fourth petitioners were marked as Ex.P3 & Ex.P4. The GPF nomination form (Account No.76900CH) of the deceased was marked as Ex.P6. The death certificate of the deceased/Mr.P.L.Devarajan was marked as Ex.P8. The official papers of TANGEDCO were marked as Exs.P10 to P14. The consent affidavits given by the second, third & fourth petitioners were marked as Exs.P15 to P17.

6. During Cross-examination, P.W.1 stated that she does not know the first respondent as she only appeared at the time of the death of her husband Mr.P.L.Devarajan. On behalf of the first respondent, Ex.R10 was marked. It was the photocopy of the birth certificates of D.Keerthi Rajan.



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The death certificate of Mr.P.L.Devarajan was marked as Ex.R.11. The original school certificate dated 10.07.2020 in respect of the petitioner's son D.Keerthi Rajan was marked as Ex.R12. The photocopy of the petitioner's husband employee ID card issued by TANGEDCO was marked as Ex.R13. Exs.R16 & R17 were the representations given by the first respondent to the officials of TANGEDCO and to the Tahsildar respectively. A specific suggestion was put to the 1st respondent that according to Hindu Law, her second marriage was not valid. It was also suggested that Mr.P.L.Devarajan had intimated the petitioners alone as his legal heirs in the official records. It is seen that very specifically it is an admitted fact that the relationship of the first respondent with the deceased commenced only the third petitioner was about 13 years of age.

7. The petitioner is the first wife and legally married wife. The law does not recognize a marriage with another woman during the subsistence of marriage. However, the school certificate of the second respondent reflects that the second respondent was born to the first respondent and a reasonable presumption can be drawn that the father of the second respondent was the deceased Mr.P.L.Devarajan.

8. The learned counsel for the petitioner had stated that a sum of Rs.1/- Lakh would be given by the petitioners to the first respondent and the



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second respondent would get an equal share of the remainder of the death benefits to be shared along with the four petitioners. The family pension can be granted only to the first petitioner recognizing her marriage relationship with the deceased. The fourth petitioner had applied for compassionate employment and the TANGEDCO officials may examine that in its proper perspective. Accordingly succession is granted in the names of all the four petitioners and in the name of the second respondent.

9. In view of the above, this Original Petition stands allowed, Succession certificate to be granted in the name of the petitioners and the 2nd respondent.

01.11.2022

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