



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM:

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD) No.20001 of 2016 and
WMP(MD).No.15536 of 2016

1. G.Prema
2. Ambika

..... Petitioners

..VS..

1.The Superintendent of Police,
Office of the Superintendent,
Pudukkottai.

2. G.Rajmohan @ Saravanan
(R2 is suo motu impleaded vide
Court order dated 19.10.2016 in
W.P(MD) No.20001/2016 by SVJ)

..... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Mandamus directing the respondent herein to disburse of the terminal benefits to the tune of Rs.4,55,575/- in favour of the petitioner on the strength of the succession certificate based on the various orders obtained, within a time frame.

For Petitioners : Mr. M.Aravind Subramaniam

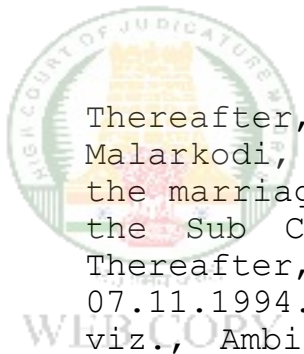
For R1 : Mr.P.Thambidurai
Government Advocate (Civil Side)

For R2 : No appearance

O R D E R

This writ petition has been filed to issue Writ of Mandamus directing the first respondent to disburse the terminal benefits to the tune of Rs.4,55,575/- in favour of the petitioner, on the strength of the succession certificate based on the various orders obtained, within a time frame.

2. The first petitioner's husband namely Ganesan was appointed as Police Constable -Grade -I, in the year 1974 and he married one Malarkodi during the year 1981 and out of wedlock, a son was born.



Thereafter, due to matrimonial dispute between Ganesan and Malarkodi, the said Ganesan sought for dissolution of marriage and the marriage was dissolved through HMOP No.80 of 1986 on the file of the Sub Court, Pudukkottai, which was decreed, dated 8.9.1987. Thereafter, the said Ganesan was married to the first petitioner on 07.11.1994. Out of the said second marriage, the second petitioner viz., Ambika was born. The said Ganesan was chronically affected with cancer since 2007 and died on 11.05.2009. Hence, the petitioners have approached the first respondent to disburse all the terminal benefits of the deceased husband. Since the same was not disbursed, the present writ petition has been filed.

3. The first respondent has filed a counter stating that the son of the first wife namely Rajmohan has failed to produce the legal heir certificate. The petitioners submitted the petition along with succession O.P.No.230 of 2013 and the same has been returned on 01.04.2014 to produce necessary documents. In spite of repeated request made by the first respondent, the petitioners have not submitted any necessary documents.

4. The learned counsel for the petitioners would submit that they have filed an undertaking affidavit stating that the first petitioner is ready to disburse the second respondent share as and when the second respondent makes a claim. This Court has already *suo moto* impleaded the son of the first wife namely Rajmohan as 2nd respondent in this writ petition.

5. Today, when the matter is taken up for hearing, there is no representation on behalf of the second respondent.

6. The petitioner has submitted an undertaking affidavit and the relevant portion is extracted here under:-

"8. I state that on 08.12.2021, this Hon'ble Court directed these petitioners to file the undertaking affidavit. Hence the petitioners herein undertakes that, if in case the second respondent claims his share in the above terminal benefits we are prepared to give his share. Further the second respondent's share will be given as per law prevailing at that point of time".

7. Based on the undertaking affidavit, this Court directs the first respondent to disburse the terminal benefits to the tune of Rs.4,55,575/- to the petitioners. If any claim is made by the second respondent the petitioners are liable to pay the respective share to the second respondent. The petitioners and the second respondent cannot make any claim against the first respondent. The first respondent is directed to pay the terminal benefits to the petitioners within a period of six weeks from the date of receipt of a copy of this order.



8. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

To

The Superintendent of Police,
Office of the Superintendent,
Pudukkottai.

+1 CC to M/s.SPL GP (SR-10356[F] dated 07/03/2022)

+1 CC to M/s.M.ARAVIND SUBRAMANIAM, Advocate (SR-10430[F] dated 07/03/2022)

W.P(MD) No.20001 of 2016 and
WMP(MD) .No.15536 of 2016
04.03.2022

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