



WEB COPY



W.P.No.19959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19959 of 2023

Elanjiyam

... Petitioner

Vs.

- 1.THE DISTRICT COLLECTOR,
Ariyalur District.
- 2.THE REVENUE DIVISIONAL OFFICER,
Udayarpalayam, Ariyalur District.
- 3.THE TAHSILDHAR,
Sendurai, Ariyalur District.
- 4.THE REGISTRAR OF (BIRTH & DEATH),
Town Panchayat Office,
Sannasinallur Village Panchayath,
Sendurai Taluk,
Ariyalur District.

5.MARY IMACULATE ELAVARASI

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to cancel



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the Death Certificate dated 01.11.2022, issued in the name of Sulochana as wife of deceased Kunjithabadham by the Registrar for Birth and Death, Sannasinallur Village Panchayath, Sendurai Taluk, Ariyalur District and further directing the Respondents 1 to 4 to issue a fresh Death Certificate by changing the petitioner name Elanjiyam as wife of the deceased Kunjithabadham.

For Petitioner : Mr.P.Dinesh Kumar

For R1 to R4 : Mr.C.Selvaraj
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 1 to 4 to cancel the Death Certificate dated 01.11.2022 issued in the name of Sulochana/first wife of petitioner's husband Kunjithabadham and for a further direction to the respondents 1 to 4 to issue a fresh Death Certificate by substituting the petitioner name as wife of the deceased Kunjithabadham.

2. It is the case of the petitioner that her husband Kunjithabadham



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married one Sulochana and 5th respondent herein born out of their wed lock.

After death of the said Sulochana, the deceased Kunjithabadham married the petitioner. In the Death Certificate issued by the 4th respondent, the name of wife of deceased was mentioned as Sulochana instead of petitioner's name, who is surviving wife of the deceased.

3. Admittedly, the daughter of first wife of the deceased, namely 5th respondent herein filed a suit for partition against the petitioner and others in O.S.No.218 of 2004 on the file of Additional District Munsif, Ariyalur and the suit was decreed. The Trial Court also rendered a finding that petitioner is entitled to status of the second wife of the deceased by virtue of long cohabitation. The said judgment was challenged by the petitioner, her husband and her child in A.S.No.45 of 2012 on the file of Principal District Judge, Ariyalur and the 5th respondent had filed cross appeal. The First Appellate Court has remanded the matter to trial Court for receiving documents and recording evidence. Aggrieved by the same, 5th respondent has filed an appeal in C.M.A.No.2164 of 2014 before this Court and the same is pending. When the dispute with regard to the status of the petitioner is pending adjudication before the Civil Court, this Court is not inclined to issue any direction to the 4th



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respondent to issue the corrected Death Certificate by including the name of the petitioner as surviving wife. It is open to the petitioner to move the 4th respondent for making correction in the Death Certificate, in case the Civil Court proceedings culminated in her favour.

4. With this observation, the writ petition is disposed of. No costs.

04.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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