



W.P.(MD)No.22310 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22310 of 2021
and
W.M.P.(MD).No.18869 of 2021

A.Nazeema

... Petitioner

Vs.

1.The Divisional Manager,
Southern Railway,
O/o. the Divisional Manager,
Southern Railway, Madurai.

2.The Divisional Personnel Officer,
Southern Railway,
O/o. the Divisional Personnel Officer,
Southern Railway, Madurai.

3.Babu @ Mohideen Batcha ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to issue the proceedings No. U/P.148/1/WP/SSE/W/MDU dated 10.07.2013 as per the petitioner's representation dated 15.10.2021.

For Petitioner : Mr.MA.M.Raja

For R-1 & R-2 : Mr.K.R.Laxman,
Standing Counsel



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ORDER

This Writ Petition has been filed for issuance of writ of mandamus directing the first and second respondents to deal with the representation made by the petitioner on 15.10.2021, wherein, the petitioner has requested the first and second respondents to include her name in the family composition which was earlier deleted through proceedings dated 10.07.2013.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that she married the third respondent in the year 2007 as per the Mohammedan law. There was a matrimonial dispute between the petitioner and the third respondent. The third respondent seems to have pronounced Triple Talak and ended the marriage. This was challenged by the petitioner in O.S.No.147 of 2010 before the Sub Court, Theni and the trial Court decreed the suit in favour of the petitioner through Judgment and Decree dated 16.12.2014.



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4. The third respondent filed an appeal before the learned Principal District Judge, Theni in A.S.No.5 of 2015 and the matter was thereafter transferred to the Additional District Court, Periyakulam and the appeal ended in favour of the third respondent through Judgment and Decree dated 30.11.2015. Aggrieved by the same, the petitioner filed S.A. (MD).No.158 of 2016 and this Second Appeal was allowed through Judgment and Decree dated 18.09.2019 and thereby, the Judgment of the trial Court was confirmed. This Judgment was further confirmed by the Hon'ble Apex Court while dismissing the S.L.P filed by the third respondent by an order dated 11.09.2020.

5. The grievance of the petitioner is that pursuant to the Judgment passed by the Appellate Court in A.S.No.5 of 2015, the third respondent had made a representation to the first and second respondents and deleted the name of the petitioner from the family composition. After the Appellate Court Judgment was set aside by this Court and was further confirmed by the Hon'ble Apex Court, the petitioner made a representation to the first and second respondents to restore her name in the family composition. Since the same was not acted upon, the present Writ Petition has been filed before this Court.



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6. The learned Standing Counsel appearing on behalf of the first and second respondents submitted that the second respondent will deal with the representation made by the petitioner after hearing the petitioner and the third respondent and will take a decision within the time frame fixed by this Court.

7. Taking into consideration the facts and circumstance of the case, there shall be a direction to the second respondent to deal with the representation made by the petitioner on 15.10.2021 after affording an opportunity to the petitioner and the third respondent and appropriate orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

22.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

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