



W.P.(MD).No.23442 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23442 of 2019

M.Shanmuga Lakshmi @ Priya

... Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Theni,
Theni District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Distribution/Periyakulam,
Periyakulam,
Theni District.

3.R.Muthusamy

4.Chinna Mariammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the second respondent vide his proceedings in Ka.No. 5414/490/SePo/Pa/PeRi/UNiA/NiMe/NiU4/19 dated 30.08.2019 and quash the same and consequently direct the respondents to delete the name of the fourth respondent and her children and include the petitioner's name M.Shanmuga



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Lakshmi @ Priya and her daughters' names ie., M.Menaga and M.Vidhya Sri in the Service Register maintained at the office of the 2nd respondent as Nominees to the third respondent.

For Petitioner : Mr.M.Sridharan

For R-1 and R-2 : Mrs.M.Parameswari,
Standing Counsel.

For R-3 and R-4 : Mr.S.Somaselva Kumar

ORDER

This Writ Petition is filed to quash the order dated 30.08.2019 with a consequential relief to direct the respondents to delete the name of the fourth respondent and her children and include the petitioner's name M.Shanmuga Lakshmi @ Priya and her daughters' names ie., M.Menaga and M.Vidhya Sri in the Service Register maintained at the office of the 2nd respondent as Nominees to the third respondent.

2. The third respondent is an employee of the first and second respondents. The third respondent is serving as Assistant Adminstrating Officer. The third respondent initially married the petitioner and having two daughters. The third respondent without getting divorce from the petitioner has married the fourth respondent and having one son and one daughter. The third



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respondent has given the particulars of the fourth respondent and his children with fourth respondent as nominees in the Service Register. The contention of the petitioner is that she is the first wife and the third respondent deserted the petitioner and without obtaining divorce, has married the fourth respondent. Infact, the petitioner has filed Maintenance Application in M.C.No.16 of 2010 on the file of Family Court, Madurai. The Family Court, Madurai has directed the third respondent to pay maintenance of Rs.2,500/- to the petitioner and Rs. 1,500/- each to the daughters and the third respondent is paying the same until now.

3. By taking the fact of payment of maintenance into consideration, this Court is of the considered opinion that the first marriage was conducted on 12.11.2004 and the third respondent has not disputing the marriage with the petitioner. Therefore, this Court is of the considered opinion that the name of the petitioner and her daughters should be entered in the Service Register book. Since the third respondent has not annulled the marriage with the petitioner, hence the second marriage is invalid marriage. Therefore, the second respondent is directed to enter the name of the petitioner and her daughters in the service records of the third respondent. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

01.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The Superintending Engineer,
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Theni District.

2.The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Distribution/Periyakulam,
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S.SRIMATHY, J.

Nsr

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