



O.P.No.242 of ----

O.P.No.242 of 2022

WEB CO **RMT. TEEKAA RAMAN, J.**

The petitioner has filed this petition under Section 372 of the Indian Succession Act of 1925 and Order XXV Rule 6 of the Original Side Rules, seeking for “a Succession Certificate” empowering her to collect the debts and to receive the interest as specified in the schedule with interest accrued thereon.

2. The petitioner is the widow of the deceased V.Selvakumar. The deceased V.Selvakumar worked as Telecom Technician who was later absorbed into BSNL. He lastly worked in Chrompet Telephone Exchange and expired on 27.06.2017 while he was in service. The claim petition is filed by the widow of the deceased. The second and third petitioners are the employees of the deceased V.Selvakumar. The third respondent is family pension disbursing authority. The fourth and fifth respondents are the son and daughter of the deceased V.Selvakumar who are aged about 35 and 28 years old respectively. The deceased V.Selvakumar died on 27.06.2017.



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3. First and second respondents have filed a counter affidavit and stated that Death Cum Retirement Gratuity and GPF of late V.Selvakumar were sanctioned by the third respondent based on the nominations made by the deceased official as follows:

<i>Sl.No.</i>	<i>Terminal Benefit</i>	<i>Sanctioned To</i>	<i>Amount (In Rs.)</i>	<i>Date</i>
1	Death Cum Retirement Gratuity (DCRG)	1. Sri.S.Sathish Kumar, S/o Late V.Selvakumar 2.Smt.Sujithra, D/o Late V.Selvakumar	5,60,794/- 5,60,794/-	21.08.2020
2	General Provident Fund (GPF)	1. Sri.S.Sathish Kumar, S/o Late V.Selvakumar 2.Smt.Sujithra, D/o Late V.Selvakumar	13,798/- 13,798/-	05.02.2021

4. It is seen from the counter that the deceased Selvakumar while in service had nominated his family members. He is also entitled to the nomination benefits under the Central Government Group Insurance Scheme which is the subject matter of this Original Petition. Initially, he has nominated his wife as nominee. Thereafter on 22.11.2011, he has given nomination in favour of his son and daughter. In respect of the other benefits



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also, he has given nomination of Rs4,31,380/- which is yet to be settled by the first respondent to the legal heirs. Nomination is only power to collect the said amount and to be disbursed to the legal heirs. Since the son and daughter have already attained the age of majority, they are not entitled to the family pension. In respect of other benefits, all are entitled for $\frac{1}{2}$ share.

5. The petitioner examined herself as P.W1 and marked Exs.P1 to P8. Ex.P7 is the communication between the petitioner and the second respondent, Ex.P2 is the Death certificate of V.Selvakumar and Ex.P3 is the Legal heriship certificate, Ex.P4 is the letter addressed by third respondent to petitioner & Ex.P5 is the notice issued by the petitioner's counsel to the second respondent, Ex.P.6 is the reply by the Assistant General Manager (Admn. & Legal) BSNL to the petitioner's counsel and Ex.P.7 is the letter addressed by the second respondent by the petitioner and P.8 is the paper publication.

6. After paper publication no objection has been received either from the public or from the fourth and fifth respondents who are son and daughter of the deceased Selvakumar. Hence I find that there is no impediment under



O.P.No.242 of ----

Section 378 of the Indian Succession Act to grant relief as sought for by the petitioner. Accordingly, this petition is allowed.

23.08.2024

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O.P.No.242 of 2022

23.08.2024



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O.P.No.242 of ----