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O.P.No.482 of 2021

IN THE HIGH COURT JUDICATURE AT MADRAS

Dated 29.11.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

O.P.No.482 of 2021

Mrs.S.Joyce

.. Petitioner

/versus/

1.Ms.Freeda

2.Master.V.J.Godwin

3.Mrs.Mangaiyarkkarasi

4.Shadana Shreya

represented by her mother and natural guardian

Mrs.Mangaiyarkkarasi

5.Gladson

(the 4th respondent name corrected and the 5th
respondent impleaded and amendment carried

out as per Order dated 15.9.2022 in A.Nos.

4085 and 4084 of 2022)

.. Respondents

Original Petition is filed under Section 372 of the Indian Succession Act r/w Order XXV Rule 6 of the Original Side Rules that a succession certificate may be granted to the petitioner with the power to collect the debts to receive the family pension and the terminal benefit if any thereon, specified in the schedule hereto.

For Petitioner :Mr.B.Rajkumar Ashok Singh

For R1, R2 & R5 :M/s Louisal Ramesh



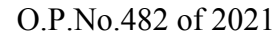
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ORDER

WEB COPY This Original Petition is filed for grant of Succession Certificate to the petitioner in respect of debts and retirement benefits and other securities payable to Late Vedamoney Jayakumar who died intestate on 26.09.2017.

2. According to the petitioner, she married Vedamoney Jayakumar on 03.07.1974 as per the Christian customs and she had begotten two male children through Vedamoney Jayakumar. However, both the sons by name Jebaraj and Jayahar pre-deceased their father. Vedamoney Jayakumar, who was working as Health Inspector of Corporation of Chennai, died on 26.09.2017 and when she sought for disbursement of the death-cum-retirement benefit, the first respondent had made a claim stating that she married Vedamoney Jayakumar as a second wife and gave birth to two children who are the second and fifth respondents. In the said circumstances, the Corporation of Chennai had refused to disburse the retirement benefits to the petitioner and hence, the present original petition for Succession Certificate is filed.

3. The first respondent has filed a counter wherein she has stated



4. The first respondent though had filed a detailed counter and in lieu of giving adequate opportunity to cross examine the petitioner, she



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had not availed the said opportunity. Neither she had taken steps to examine herself as witness to lead evidence both oral and document. On behalf of the petitioner, proof affidavit in lieu of chief examination been filed and the following documents Ex.P1 to Ex.P10 were marked.

Ex.P1	Photocopy of the marriage extract dated 30.04.2018 issued by Pastor/chairman TELC, Adiakalanathar Church, Purasawalkam, Chennai 600 007 of me.
Ex.P2	Computer generated death certificate of Vedamoney Jayakumar
Ex.P3	Computer generated death certificate of V.J.Jabaraj
Ex.P4	Computer generated death certificate of V.J.Jayakar
Ex.P5	Computer generated Legalheirship Certificate of Vedamani Jayakumar
Ex.P6	Computer generated Original Letter dated 09.02.2018 sent by the Account Officer Corporation of Chennai addressed to me.
Ex.P7	Original letter dated 09.11.2019 sent by the Corporation Zonal Officer addressed to me asking for Succession Certificate from competent Court of Law.
Ex.P8	Original Letter dated 23.01.2020 sent by the Public relation officer, Greater Chennai Corporation, Chennai-3, addressed to Public Information Officer, Zonal Office-9, Nungambakkam, Greater Chennai Corporation, Chennai with regard to details under RTI sought by her counserl in respect of benefits of her husband Vedamoney Jeyakumar.
Ex.P9	Original Letter dated 05.02.2020 from Public Information Officer, Greater Chennai Corporation, Chennai-34 addressed to her counsel.
Ex.P10	Copy of paper publication effected in Tamil daily “Makkal Kural” dated 03.03.2023.



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5. The learned counsel appearing for the petitioner states that the petitioner is the first wife of Vedamoney Jayakumar and the marriage between the petitioner and Vedamoney Jayakumar is proved through the marriage extract marked as Ex.P1 issued by Pastor/Chairman, TELC, Adaikalanathar Church, Purasawalkam, Chennai.

6. The communication from the Corporation to the petitioner intimating about the requirement of certificate to disburse the retirement-cum-death benefit of Vedamoney Jayakumar shows that the office records of the deceased Vedamoney Jayakumar had registered the name of the petitioner as his nominee and wife.

7. On the side of the respondents, the learned counsel appearing for the respondents 1,2 and 5 submitted that the birth certificate of V.J.Godwin, the second respondent shows that he was born to Vedamoney Jayakumar and Freeda the first respondent. Family card issued by the Government of Tamil Nadu carries the name of Vedamoney Jayakumar as head of the family, the 1st, 2nd and 5th respondents as wife and two sons respectively.



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8. Relying upon certain pronouncement of this Court, where this

Court has directed the wives of the deceased Government Employee to share the retirement benefits, the learned counsel appearing for the respondents 1, 2 and 5 also submitted that the first respondent having married the deceased Vedamoney Jayakumar and having given birth to two children she cannot be deprived of the retirement-cum-death benefit of Vedamoney Jayakumar.

9. This Court though may sympathise the case of the first respondent, law does not permit the second marriage without dissolving the first marriage. Admittedly, the petitioner is the first wife of Vedamoney Jayakumar and given birth to two children though he did not live long and died. The petitioner being legally wedded wife of Vedamoney Jayakumar she been nominated to receive the death benefits. The claim of the first respondent has no legal validity to sustain and therefore, the Succession Certificate for receiving the Retirement-cum-Death benefits and family pension of the Vedamoney Jayakumar is granted in favour of the petitioner alone and therefore, this Petition has to be allowed.



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10. Accordingly, this Original Petition is allowed. The Succession

Certificate may be issued in favour of the petitioners, in accordance with Rules, with power to collect the securities of the deceased Vedamoney Jayakumar and to receive interest and dividends thereon and negotiate and to transfer the securities specified in the schedule hereto.

29.11.2024

Index:yes/no
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Petitioner's witnesses:-

PW-1: S.Joyce

Petitioner's document:-

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	to Public Information Officer, Zonal Office-9, Nungambakkam, Greater Chennai Corporation, Chennai with regard to details under RTI sought by her counsel in respect of benefits of her husband Vedamoney Jeyakumar.
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