



W.P.No.28125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28125 of 2022

Manju Devi

... Petitioner

Vs.

- 1.The Regional Welfare Officer,
Region-1,
Greater Chennai Corporation,
Basin Bridge Road,
Moolakothalam,
Chennai-21
- 2.The Thasildar,
Panakudi Taluk,
Panakudi,
Tirunelveli District
- 3.Sumathi

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to correct the death certificate of deceased Muthukumar and mention the name of the petitioner as 'wife' in the death certificate instead of the name 'Sumathi' and consequentially direct the second respondent to issue legal



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their certificate of late.Muthukumar as requested by the petitioner by mentioning the petitioner and her children as legal heir of late.Muthukumar.

For Petitioner : Mr.K.Krishnamoorthy

For Respondents

For R2 : Mr.S.J.Mohammed Sathik,
Government Advocate

For R3 : Mr.P.Raja

For R1 : Mrs.P.T.Ramadevi,
Standing Counsel

ORDER

This writ petition has been filed for direction to the first respondent to correct the death certificate of deceased Muthukumar as his wife name as 'Manju Devi' instead of 'Sumathy'.

2. The petitioner got married one, Muthukumar in the year 2007 and gave birth to two children. However, due to misunderstanding between them, she was driven out from the matrimonial home and she is living separately. In fact, the petitioner also filed complaint under Domestic Violence Act in DVOP.No.23 of 2017 seeking for maintenance



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before the learned Judicial Magistrate Court. It was partly allowed and directed the said Muthukumar to pay a sum of Rs.10,000/- as monthly maintenance to the petitioner as well as her two children. Thereafter, her husband filed divorce petition in HMOP.No.88 of 2015 and the same was also dismissed for default on 13.07.2016. While being so, her husband Muthukumar died on 23.06.2021 due to covid-19 at Chennai. It is seen that the said Muthukumar was admitted in hospital by the third respondent who lived along with him after separation from the petitioner. While admitting the said Muthukumar, the third respondent had given her name as the wife of the said Muthukumar. As per the records of the hospital, after the death of the said Muthukumar, death certificate was issued mentioning the third respondent as his wife. The petitioner, being the legally wedded wife, sought for inclusion of her name in the death certificate as the wife of the said Muthukumar.

3. The learned counsel for the third respondent submitted that the third respondent has no objection to delete her name from the death certificate and to include the petitioner's name as the wife of the deceased Muthukumar.



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4. Considering the above submission, the first respondent is directed to conduct enquiry after issuance of notice to the petitioner as well as the third respondent and pass appropriate order on merits and in accordance with law to include the petitioner's name in the death certificate as the wife of the said Muthukumar, instead of 'the third respondent' within a period of eight weeks from the date of receipt of copy of this order. Thereafter, on receipt of the death certificate, the second respondent is directed to issue legal heirship certificate on the request made by the petitioner.

5. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

20.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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