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W.P.No.862 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.862 of 2024 &

WMP.No.880 of 2024

Arockia Arputhamary @ Arputha Jestia

... Petitioner

-Versus-

1.The General Manager,

Tamil Nadu State Transport Corporation (Kumbakonam ltd),
Nagapattinam Region.

2.Assistant Manager (P & A),

Tamil Nadu State Transport Corporation (Kumbakonam ltd.),
Kumbakonam,
Thanjavur District.

3.Joint Registrar – I,

Nagapattinam.

4.S.Selvaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records pertaining to the Certificate of Marriage in Marriage No.:SMR/I JOINT REGISTRAR/10/2020 on 24.10.2020 on the file of the 3rd respondent and quash the same and consequently direct the 1st respondent to re enter the petitionr name as nominee by deleting the name of Sundaravathani in the 4th



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respondent's Service Register maintained by the 1st respondent.

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For Petitioner : *Mr.K.R.Gunashekar*
For Respondents : *Mr.C.Senapathy*
1 & 2
For Respondent 3 : *Mr.Abhishek Moorthy,*
Government Advocate
For Respondent 4 : *Mr.S.Sathiachandran*

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus with respect to certificate of marriage in Marriage No.SMR/I JOINT REGISTRAR/10/2020 on 24.10.2020 on the file of the third respondent and quash the same and directed the first respondent/ The General Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., to re-enter the name of the petitioner as nominee in the Service Register of the fourth respondent and delete the name of Sundaravathani.

2. The issue raised in the writ petition need not be examined in detail. In short, the petitioner had married the fourth respondent on 04.04.1991 in accordance with the Christian Rites and Customs. The fourth respondent was an employee under the first and second respondents.



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3. The petitioner filed an application seeking maintenance before the Judicial Magistrate, Thanjavur and maintenance had been granted. The fourth respondent filed IDOP.No.28 of 2014 initially in Nagapattinam and later, it was transferred to the file of the learned Principal District Judge, Thanjavur and renumbered as IDOP.No.91 of 2015. By order dated 27.08.2018, divorce had been granted. The petitioner then filed CMA(MD).No.1142 of 2018 before the Madurai Bench of Madras High Court and though an order of stay had been granted initially, subsequently, CMA(MD).No.1142 of 2018 came to be dismissed by the order dated 15.07.2024.

4. The reason for filing of this writ petition is that in CMA(MD).No.1142 of 2018, an order of interim stay of the operation of the decree in IDOP.No.91 of 2015 had been granted on 30.11.2018. It is the grievance of the writ petitioner that in spite of such stay been granted and in spite of the fact that there was a statutory provision to file an appeal, the fourth respondent had proceeded to marry one Sundaravathani and he then also included her name as nominee in the Service Register.

5. The writ petition has been filed primarily to cancel the nomination and



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to also cancel the marriage certificate between the fourth respondent and Sundaravathani. Unfortunately such order cannot be passed in the absence of Sundaravathani as a party to the writ petition. The relief now sought by the petitioner cannot be granted as, by the order of dismissal in CMA(MD).No.1142 of 2018, the marriage between the fourth respondent and Sundaravathani had been recognised by the Court. The writ petition therefore stands dismissed.

6. Though this writ petition is dismissed, the first and second respondents are directed to proceed further with respect to passing of orders with respect to retirement benefit payable to the fourth respondent in accordance with the endorsement made in the Service Register within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

13.02.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No



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To

- 1.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Nagapattinam Region.
- 2.The Assistant Manager (P & A),
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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C.V.KARTHIKEYAN, J.

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