



WP(MD)No.25470 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.25470 of 2025

P.Murugan

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
Bypass Road, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Bypass Road,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to enter the name of petitioner's 2nd Wife Pandiammal and names of his children Sivajeethan and Thivanisha in his service Register after removing the name of petitioner's 1st Wife by considering his representation dated 26.08.2025 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Raja



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ORDER

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This Writ Petition had been filed to direct the respondents to enter the name of petitioner's 2nd Wife Pandiammal and names of his children Sivajeethan and Thivanisha in his service Register after removing the name of petitioner's 1st Wife by considering his representation dated 26.08.2025 and for other reliefs.

2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioner and Mr.S.Raja, learned counsel appearing for the respondents.

3. Mr.J.Lawrance, learned counsel for the petitioner would submit that the petitioner had been joined in the services of the respondent/Corporation in the year 1997 as a Driver and has an unblemished service of 28 years. He would further submit that in the year 2003, he was married to one Gowri and as difference arose between them, he had filed a petition for divorce in HMOP.No.30 of 2007, which came to be dismissed. Against which he has also preferred an H.M.CMA No.1 of 2013 and the same was also dismissed. Against which he had preferred CMSA (MD).No.6 of 2015 before this Court and this Court by a judgment and decree dated 23.03.2021, allowed the same by granting a decree of divorce. Pending the divorce proceedings, the petitioner had also married one Tmt.Pandiammal, through whom the petitioner has also have two children.



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Hence, after the decree of divorce granted, the petitioner had approached the respondents to update the service records by entering the details of his second wife and children by removing the name of the first wife from the service register. In spite of several representations, the request of the petitioner was not heeded to. Hence, he had approached this Court seeking for a direction to the respondents to enter the name of his second wife and the children born to his second wife in his service register after removing the name of his first wife. Hence, he seeks this Court to grant Mandamus as prayed for.

4. Countering his arguments, Mr.S.Raja, learned counsel for the respondent would submit that the marriage with the second wife had taken place, while the first marriage was valid. Hence, the marriage with the second wife whom he seeks to include cannot be entertained, as the said marriage is a void marriage under the Provisions of the Hindu Marriage Act. Hence, he would submit that such Mandamus as prayed for should not be granted by this Court.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



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6. It is true that a second marriage, during the subsistence of the valid first marriage, is a void marriage and therefore, the respondent would be right in contending that the request of the petitioner to include the name of his second wife and children should not be entertained. But, however, considering the facts of the present case, even though, the petitioner had married during the subsistence of a valid marriage, he had been benefitted with the decree of divorce by this Court in CMSA (MD).No.6 of 2015, dated 23.03.2021. The petitioner had also not approached the respondents seeking to include the name of his second wife and the children born through the second wife, when the marriage was in subsistence. Only after the decree of divorce has been granted, the petitioner had approached the respondent seeking for modification of his nomination in his service records.

7. In such view of the matter, the contentions of the learned counsel for the respondents that the name of the second wife could not be included, is wholly unfounded, as the name of the first wife cannot also be continued as a beneficiary of the petitioner in view of the decree of divorce granted, as the nomination available in the service records would have to fall, as the said nominee is no more the wife of the petitioner.



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8. For the aforesaid reasons, this Court is inclined to grant the Mandamus as prayed for and accordingly, there shall be a direction to the respondents to delete the name of the petitioner's first wife in his service records and include the name of the petitioner's second wife and the name of the children as requested by the petitioner in his representation, dated 28.06.2025. Such exercise shall be made by the respondents, within period of eight (8) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

23.10.2025

Index : Yes / No

Internet : Yes / No

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- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Division,
Byepass Road, Madurai.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Byepass Road,
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K.KUMARESH BABU, J.

Gba

Order made in
W.P.(MD)No.25470 of 2025

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