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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 10743 of 2022

CNR:{HCMA010568302022}

V.M.Palani

..Petitioner

Vs

The Commissioner
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai 600014.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to include the name of the petitioners second wife Mrs.M.P.Prema as his nominee for his pension benefits and to enable her to receive the pension after the life time of the petitioner.

For Petitioner: Mr.C.Saravanan

For Respondent: Mr.K.Venkatesan

ORDER

This Writ Petition has been filed by the petitioner for the issuance of a Writ of Mandamus, directing the respondent to include the name of the petitioner's second wife Mrs.Prema as his nominee for his pension benefits and to enable her to receive the pension after the life time of the petitioner.

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2. The learned counsel for the petitioner submitted that the petitioner married one Baby, who subsequently, passed away on 11.12.2015. After the demise of the first wife, he had married one Prema. He further submitted that when the petitioner requested the respondent authority to register the name of Prema Palani in the relevant records, they refused to register the same on the ground that such marriage had taken place subsequent to his superannuation and therefore, the name cannot be included in the records.

3.It is the contention of the learned counsel for the petitioner that such stand taken by the respondent is erroneous, and in support of his contention he relied upon the judgment of the learned Single Judges of this Court in W.P.No.29398 of 2008 and W.P.No.34952 of 2019 respectively.

4. The said contention was vehemently opposed by the learned standing counsel appearing for the respondent, who contended that the petitioner has not produced any documents substantiating the claim of Prema being the second wife. Furthermore, since such marriage was solemnised after superannuation, she is not entitled, and her name cannot be entered as a wife in the records. Hence, he prayed for the dismissal of the petition.

5. I have given my anxious consideration to either side submissions.

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6. It is not in dispute that the first wife of the petitioner has died. Now, the only point to be considered is whether the petitioner has married Prema. In this connection, the learned counsel for the petitioner relied upon the Aadhaar card, ration card, and joint accounts maintained by the petitioner and Prema. He further relied upon the order passed by a learned Single Judge of this Court in W.P. No. 34952 of 2019, dated 23.01.2020. In paragraph 10 of the said order, the learned Single Judge, by referring to the judgment of the Hon'ble Supreme Court in the case of ***Dhannulal and Others vs. Ganeshram and Another (ILC-2015-SC-Civil)***, held that long cohabitation of a man and a woman as husband and wife, and their treatment as such for a number of years, may raise the presumption of marriage

7. For ready reference, Paragraph 10 and 11 of the order passed in W.P.No.34952 of 2019 dated 23.01.2020, is extracted herein below:

> *"10. At this juncture, the learned counsel for the petitioner placed reliance on a judgment of the Hon'ble Supreme Court in Dhannulal and Others vs. Ganeshram and another (ILC-2015-SC-Civil), wherein paragraph Nos.14 and 15, it has been held as follows:*
>
> > *14. In the case of Gokal Chand vs. Parvin Kumari, AIR 1952 SC 231, this Court observed that continuous co-habitation of women as husband and wife and their treatment as such for a number of years may raise the presumption of marriage, by the presumption which may be drawn from long co-habitation is rebuttable and if there are circumstances which weaken and destroy that*

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presumption, the Court cannot ignore them.

> *15. It is well settled that the law presumes in favour of marriage and against concubinage, when a man and woman have cohabited continuously for a long time. However, the presumption can be rebutted by leading unimpeachable evidence. A heavy burden lies on a party, who seeks to deprive the relationship of legal origin. In the instant case, instead of adducing unimpeachable evidence by the plaintiff, a plea was taken that the defendant ha failed to prove the fact that phoolbaa Bai was the legally married wife of Chahatrapati. The High Court, Therefore, came to a correct conclusive by recording a finding that Phoolbasa Bai was the legally married wife of Chhatrapati.*

> *11. In these circumstances, the first respondent thought it fit to send proposal for family pension to the petitioner. However, the second respondent by way of the impugned order rejected the same."*

8. In the case in hand, while considering the ration card, Aadhaar card, and bank statement maintained by the petitioner, it, as rightly contended by the learned counsel for the petitioner, raises the presumption that they lived as husband and wife. Therefore, the contention that the petitioner has not substantiated the marriage by producing a Marriage Certificate cannot be a ground to right-away reject the claim made by the petitioner that he married one Prema as his second wife.

9. The next defense raised by the learned standing counsel for the respondent is that such request was made subsequent to his retirement. In this

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connection, the learned counsel for the petitioner relied upon the order of the learned Single Judge of this Court in W.P. No. 29398 of 2008, dated 27.04.2011. In Paragraph 8 of the said order, the learned Single Judge, while referring to Section 16(2)(b) in the Employees' Pension Scheme, 1995, has observed that the date of marriage, whether it is prior to superannuation or subsequent to superannuation, has no relevance to consider such widow to receive a pension. Therefore, as rightly contended by the learned counsel for the petitioner, the refusal of the respondent in registering the name of Prema, the second wife of the petitioner, is erroneous. Consequently, this Court finds every justification to issue a mandamus to the respondent, directing them to include the name of the petitioner's second wife, Prema, as the nominee for his pension benefits after his lifetime.

10. With the above directions, the present Writ Petition stands allowed. No costs.

30-10-2026

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

SHL

To:
The Commissioner
Employees Provident Fund Organisation,
Regional Office,
No.37, Royapettah High Road,
Chennai 600014.

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C.KUMARAPPAN J.

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