



WEB COPY



WA No. 3872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 3872 of 2025
AND CMP NO. 31650 OF 2025**

N.Hemavathi
No.39/25, Somasundaram 1st Street Ayanavaram ,
Chennai 600 023 Now res at No.180/181, Palani
Andavar Koil street, Ayanavaram, Chennai-600023

..Appellant

Vs

1. S.Jayasheela
W/o.Late Nagarajan, No. 36 Priyadharshini Nagar,
behind Sri Bharathi Nagar, Veltech Road Vellanoor
Post, Avadi , chennai 600 062
2. The Commissioner Of Police132, EVK Sampath
Road, Veppery, Periamet, Chennai-600007.
3. The Additional Commissioner Of Police
Traffic Investigation, Kilpauk, Chennai-600010

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 04-07-2024 passed in WP.No.9251 of 2022.

For Appellant :
For Respondents :

Mr.R.Sankar
Mr.R.Chandrasekaran – for R1
Mr.S.Yashwanth
Additional Government Pleader – for RR 2 and 3



WA No. 3872 of 2025

Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

WEB COPY

This writ appeal is directed against the order passed by the learned Writ Court dated 04.07.2024 made in W.P.No.9251 of 2022.

2. The marriage between the first respondent and one Nagarajan, who is now no more, took place in the year 1986. Out of the marriage, there were two children viz., Manju and Abilash, a daughter and a son. While so, the said Nagarajan died in harness while he was working as Special Sub Inspector of Police at the Tamil Nadu Police Department. In the meanwhile, while he was working so, he married the present appellant N.Hemavathi as his second wife on 12.02.2003 and out of the said wedlock, they have one daughter named Nandinipriya. Therefore, there are three children for the deceased employee, two children born out of the first wedlock and one child born out of the second wedlock.

3. Insofar as the legal status of the present appellant, who happens to be the second wife of the deceased employee is concerned, their marriage was solemnized only in the year 2003, when the earlier marriage with the first respondent was subsisting. When that being so, the second marriage solemnized or said to have been solemnized between the deceased employee and the present appellant cannot be said to be a valid marriage in the eye of law. Nevertheless, the child born out of



the above second wedlock is entitled to get the due share of the estate of the deceased employee and for such an arrangement of sharing the estate of the deceased employee, his first wife also agreed upon as stated by Mr.R.Chandrasekaran, learned counsel for the first respondent / first wife. As the first respondent's name alone has been shown as 'wife' in the nominee column of the Service Record of the deceased employee, we deem it appropriate to dispose of this appeal.

4. The first respondent / first wife, through her learned counsel since has agreed upon to share the retirement benefits of the deceased employee at the ratio of 50:50 and for such an arrangement, the second wife / appellant through her learned counsel has agreed upon, with the consent of both the parties the following orders are passed.

- a) There shall be a direction to the official respondents to calculate the retiral benefits payable to the deceased employee and pay 50% to the first wife ie., the first respondent herein viz., S.Jayasheela and the remaining 50% can be paid to the present appellant viz., N.Hemavathi, who happens to be the second wife of the deceased employee.
- b) Insofar as the family pension benefit is concerned, the same ratio can be followed.
- c) As the pension has to be paid only to the first wife ie., the legally wedded wife in the eye of law, the first wife since has agreed upon to share 50% of the benefits whatever she is getting out of the



WA No. 3872 of 2025

WEB COPY

employment of her husband ie., the deceased, those pensionary benefits also, after getting the same, shall be shared by the first wife ie., the first respondent with the appellant ie., the second wife at the ratio of 50:50.

- d) In this regard, a bank account jointly in the name of both the appellant as well as the first respondent shall be opened and in that account the pensionary benefits has to be credited continuously every month as per the entitlement under the service regulations.
- e) The needful as indicated above shall be undertaken by the official respondents within a period of three months from the date of receipt of a copy of this order.
- f) To the above extent, the order impugned passed by the learned Writ Court is modified.

5. With the above directions, this writ appeal is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
19-01-2026

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

KST



WA No. 3872 of 2025

To

1. The Commissioner Of Police
132, EVK Sampath Road,
Veppery, Periamet,
Chennai-600007.
2. The Additional Commissioner Of Police
Traffic Investigation, Kilpauk,
Chennai-600010



WEB COPY



WA No. 3872 of 2025

**R.SURESH KUMAR J.
AND
SHAMIM AHMED J.**

KST

**WA No. 3872 of 2025
AND CMP NO. 31650 OF 2025**

19-01-2026

Page 6 of 6