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OP No.768 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 06.11.2025
PRONOUNCED ON:01.2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No.768 of 2018

1. K. Indira W/o. Late R. Aravanan
2. A. Nivetha D/o. Late R. Aravanan

.....Petitioners

VS

1. R. Rani
2. Leela Vinodhini W/o. R.Manikandan

..... Respondents

PRAYER: This application has been under Section 372 of Indian Succession Act read with Order XXV Rule 6 of the Original side Rules praying that a Succession Certificate may be granted to the 1st petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities, specified in the schedule hereto.

For Petitioner(s): Mr. P. Arumugavel

For Respondents : Mr. K. Bommuraj

ORDER

This petition has been filed by the petitioners praying to grant Succession Certificate to the 1st petitioner under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Original Side Rules.



2. The *case of the petitioner* is that the 1st petitioner is the legally wedded wife of Mr. R. Aravanan and the 2nd petitioner is the daughter of the said Mr. Aravanan. The marriage between the 1st petitioner and the said Mr. Aravanan was solemnized on 10.09.1986 at Thiruvavinankudi Adivaram, Palani. The 2nd petitioner was born on 18.06.1987. The petitioners along with the said Mr. Aravanan resided at Thiruvalluvar Nagar, Tiruvanmiyur, Chennai. The said Mr. R. Aravanan was working in the Hindu Religious Endowments Department as an Executive Officer at Arulmighu Gangadhareswarar Temple at Purasaiwakkam, Chennai and he retired on superannuation on 31.05.2010. Thereafter, he was receiving his pension till his death. The said Mr. R. Aravanan died on 18.08.2014 leaving behind his legal heirs to succeed his estate. During the life time of said Mr. R. Aravanan, the 1st respondent had intimacy with him and the same was objected by the 1st petitioner. After the demise of said Mr. Aravanan, the petitioners obtained Death Certificate and Legal Heir Certificate from Tahsildar, Velachery. The Birth Certificate of the 2nd petitioner reveals her father name is Mr. R. Aravanan. The respondents 1 and 2 are claiming falsely that they are the legal heirs of the deceased Mr. R. Aravanan and managed to secure a Legal Heir certificate from the Tahsildar, Mylapore and also obtained Patta to the lands of the deceased Mr. R. Aravanan. After knowing about the legal heir certificate issued by the Tahsildar, Mylapore, the petitioners sent a representation to the District Collector. The District



Collector, after conducting an elaborate enquiry, passed an order dated 25.09.2015 cancelling both the legal heir certificates issued by the respective Tahsildars and advised the parties to seek succession certificate from the Civil Court. In the meanwhile, the 1st petitioner approached the HR & CE department officials for the payment of family pension and the pension proposals were processed in favour of the 1st respondent and also the 1st petitioner filed a Suit before the District Munsif Court, Thirumangalam in respect of the agricultural lands in O.S. No.127 of 2015 on the file of the District Munsif Court, Thirumangalam. As far as the family pension is concerned, she has to file a petition for succession certificate and therefore, she has approached this Court.

3. The respondent filed a counter stating that the 1st respondent is the legally wedded wife of the deceased Mr. R. Aravanan. Their marriage took place on 28.06.1984 at Chennai. The 2nd respondent was born to them on 05.11.1987. All the official and Government records stand jointly in the name of the respondent and the said Mr. R. Aravanan. The deceased Mr. Aravanan was working in the HR & CE department as an Executive Officer, Grade-I. Thereafter, he retired on superannuation. The family card was issued jointly in the names of the respondents and the said Mr. R. Aravanan. The Pension Payment Order was issued by the Accountant General in the name of the deceased and the 1st respondent, as spouse of the said Mr. R. Aravanan. The Pensioner Identity Card was also issued in favour of the 1st respondent and she



was drawing pension of Rs.18,000/-. The family insurance was also availed and issued by the employer of the deceased Mr. R. Aravanan jointly in the name of the respondents. The name of the 1st respondent is shown as wife and the 2nd respondent is shown as daughter of the deceased Mr. R. Aravanan in the Star Health & Allied Insurance card issued by the Government of Tamil Nadu. The Voter ID card issued by the Election Commission of India in favour of the 1st respondent mentions the deceased Mr. R. Aravanan as husband of the 1st respondent. The said deceased Mr. R. Aravanan availed educational loan for his daughter, the 2nd respondent, from the Bank of Baroda, Sowcarpet Branch in the year 2009. He retired on 31.05.2010 and on his superannuation, a retirement function was held, in which, the 1st respondent was also participated.

3.1. The deceased Mr. R. Aravanan was a law graduate and after attaining superannuation, he enrolled as an Advocate with Bar Council of Tamil Nadu and Puducherry. In the said application, the name of the 1st respondent was mentioned as wife and also he availed Group Insurance Scheme by mentioning the 1st respondent as wife. The deceased was taken care by the 1st respondent during the time of his death. She had also borne all the medical expenses of the deceased Mr. R. Aravanan. The family of the said Mr. R. Aravanan had also recognized the 1st respondent as his wife. The 1st respondent, as a wife of the deceased Mr. R. Aravanan, had participated in the marriage



function of the sister of the deceased Aravanan namely Jayalakshmi's granddaughter on 09.03.2012. In the invitation card, the name of the 1st respondent was mentioned as maternal aunt. After demise of Mr. R. Aravanan, the last rituals in the burial ground were performed by the 2nd respondent's sister-in-law's husband namely Mr. Elangovan. The legal heir certificate was also granted by the Tahsildar, Mylapore.

3.2. The deceased Mr. R. Aravanan owned an agricultural land at Madurai and after his demise, the persons residing in and around the said agricultural land, informed the 1st respondent that one Indra, claiming to be the wife of the deceased Mr. R. Aravanan is trying to alienate the said property and immediately, the respondents rushed to Madurai, where they met the 1st petitioner herein. The 1st petitioner claims to be the wife of the deceased Mr. R. Aravanan and shockingly she showed the legal heirship certificate dated 16.09.2014 issued by the Tahsildar, Velachery. Thereafter, the 1st respondent gave a complaint to the office of Tahsildar, Velachery and the same was forwarded to the District Collector, Chennai. The District Collector, Chennai after enquiry, cancelled both the legal heirship certificates and directed the petitioners as well as the respondents to approach the Civil Court. The petitioners are falsely claiming as the legal heirs of the deceased Mr. R. Aravanan to claim the pension amount of the deceased and properties standing



in the name of the deceased. The deceased Mr. R. Aravanan lived with the respondents and the respondents are the legal heirs of the deceased Mr. R. Aravanan. Therefore, this original petition is liable to be dismissed.

4. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the legally wedded wife of the deceased Mr. R. Aravanan and the 2nd petitioner is the daughter of the said Mr. R. Aravanan, born through the 1st petitioner. The marriage between the 1st petitioner and the said Mr. R. Aravanan took place on 10.09.1986 and the 2nd petitioner born on 18.06.1987 at Dindigul. While so the 1st respondent is claiming as she married the deceased Mr. R. Aravanan on 28.06.1984 and the 2nd respondent was born to them 05.11.1987. Suppressing the marriage between the 1st petitioner and the said Mr. R. Aravanan and the 2nd petitioner born to the said Mr. Aravanan through the 1st petitioner, the respondent obtained Legal Heir Certificate of the deceased and got pension benefits. As per the Tamil Nadu Pension Rules, the legally wedded wife of the deceased alone is entitled for the family pension, secondly son and unmarried daughter are entitled. The 2nd petitioner and the 2nd respondent have got married and therefore, they have not made any claim for family pension.

4.1. In order to prove the case of the petitioners, the 1st petitioner, who is the legally wedded wife of the deceased Mr. R. Aravanan and they examined PW1 and PW2 and marked Ex.P.1 to Ex.P.10. Ex.P.1 is the marriage invitation



and Ex.P.8 is the marriage photo album. The brother of the deceased was also examined as PW2 and he deposed about the solemnization of marriage. During the enquiry before the District Collector also, the 1st respondent stated that there is no any records to prove the marriage between the 1st respondent and the deceased Mr. R. Aravanan. Therefore, the petitioners have proved that the marriage between the 1st petitioner and the deceased Mr. R. Aravanan and the 1st respondent failed to prove the marriage between the 1st respondent and the deceased Mr. R. Aravanan. As far as the family pension is concerned, it is admissible on account of the status of a widow and not on account of the fact that there was some estate of the deceased which devolved on his death to the widow. In the Service Register of the deceased Mr. R. Aravanan, there is no mention about the nominees. As per the letter issued by the Assistant Commissioner of HR & CE dated 08.02.2016, there are no particulars in the Service Register as about the family particulars of the deceased. In the Pension Pay Order dated 11.08.2010, the name of the 1st respondent was mentioned as wife. Due to immoral relationship of the deceased with the 1st respondent, the relation with the 1st petitioner has been thrown out. Therefore, he nominated the 1st respondent as his wife. But when the 1st marriage is subsisting, the 1st respondent cannot claim as wife of the deceased. Therefore, the petition filed by the petitioner is to be allowed and the petitioners are entitled to succession certificate.



5. The learned counsel appearing for the respondents would submit that the 1st respondent is the legally wedded wife of the deceased Mr. R. Aravanan and the 2nd respondent born to them on 05.11.1987 and therefore, the respondents 1 and 2, being the legal heirs of the deceased Mr. R. Aravanan, are entitled to the death benefits of the deceased. The respondents also obtained Death Certificate and Legal Heir Certificate of the deceased and thereafter, Pension Pay Order was also issued in favour of the 1st respondent. During the life time of the deceased Mr. R. Aravanan, he recognized the 1st respondent as his wife. The respondents have got Voters ID, Insurance benefits and all the other Government benefits as wife of the deceased Mr. R. Aravanan. However, the petitioners by suppressing the marriage between the deceased Mr. R. Aravanan and the 1st respondent and the birth of the 2nd respondent, obtained some certificates from the Tahsildar, Velachery, which is no way connected to the deceased, thereby, the 1st respondent lodged a complaint before the Tahsildar, Velachery and the District Collector of Chennai enquired about the certificates issued by both the Tahsildars and cancelled those certificates and directed the parties to approach the Civil Court concerned. Already the petitioners have filed a Suit before the District Munsif Court, Thirumangalam by suppressing the facts and the respondents alone are entitled to the death benefits of the deceased Mr. R. Aravanan. In order to prove the case of the respondents, the 1st respondent was examined as RW1 and Ex.R.1 to Ex.R.28



and the 1st respondent proved that she is the legally wedded wife of the deceased Mr. R. Aravanan and the 2nd respondent is the daughter of the said Mr. R. Aravanan, through the 1st respondent. Therefore, this original petition is liable to be dismissed.

6. Heard both sides and perused the entire materials available on record.

7. Upon hearing both sides and perusing the entire materials, the *point for determination* in this original petition is *whether the 1st petitioner is entitled to get the succession certificate to collect the securities, debts and to receive interest and family pension.*

8. In this case, the petitioners 1 and 2 have filed this petition for issuing succession certificate to collect the debts and to receive interest and for family pension. In this case, there is no dispute that the deceased Mr. R. Aravanan was erstwhile employee of the HR & CE department and he was superannuated on 31.05.2010. Thereafter, he died on 18.08.2014. After his demise, the 1st petitioner filed a Suit in O.S. No127 of 2015 before the District Munsif Court, Thirumangalam and the same is pending. In the meantime, they filed this petition for grant of succession certificate.



9. According to the petitioners, the 1st petitioner is the wife of the deceased Mr. R. Aravanan and their marriage took place on 10.09.1986 at Thiruvavinankudi Adivaram, Palani and thereafter, due to wedlock, the 2nd petitioner was born on 18.06.1987. Thereafter, the said Mr. R. Aravanan died on 18.08.2014. He was the retired employee of HR & CE department and he was superannuated on 31.05.2010 and the petitioners are entitled to family pension of the deceased. As far as the other properties are concerned, they filed a separate Suit in O.S. No.127 of 2015 and the same is pending.

10. According to the respondents, the 1st respondent is the legally wedded wife of the deceased Mr. A. Aravanan and their marriage took place on 28.06.1984 and due to their wedlock, the 2nd respondent was born on 05.11.1987 and pension pay order was issued in the name of the deceased and the 1st respondent. Therefore, the 1st respondent is the legally wedded wife of the deceased and the respondents are the legal heirs of the deceased.

11. It is an admitted fact that already both the parties have obtained death certificates and legal heir certificates from two separate Tahsildars. Thereafter, both the legal heir certificates were cancelled by the District Collector, Chennai and the District Collector directed both the parties to approach the appropriate Civil Court concerned, The petitioners have also approached the Civil Court by



filing a partition Suit and during the pendency of the Suit, now they have filed this petition. Once the dispute is pending before the Civil Court, it is the competent Court to decide the disputes pending between the parties. The main point in this petition is that who is the legally wedded wife of the deceased Mr. R. Aravanan, whether the 1st petitioner or the 1st respondent. Though both sides have adduced evidences and marked documents, once the comprehensive Suit for partition is pending before the competent Court, it is not appropriate to decide the status of the parties in this original petition, which is only to grant succession certificate.

12. It is an admitted fact that the parties failed to examine the officials from the HR & CE department by calling the records. The dispute between the parties cannot be decided in this petition and the scope of this petition is very limited and therefore, those issues can be decided by the competent Civil Court by examining the parties elaborately and the parties can adduce evidence by summoning the officials of the HR & CE department to produce the documents. Therefore, when the Civil Suit is pending for partition before the trial Court, it is not appropriate to decide this issue and therefore, the petitioners can get remedy from the Civil Court and based on the decree passed by the Civil court, the parties can approach the authorities for grant of family pension.



13. With the above said observations, this petition is *dismissed*.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mrs.K. Indira

PW2 : Mr. R Manivannan

List of Petitioner side Documents:

Exhibit No.	Date	Description of document
Ex.P.1	-	Original Marriage Invitation card with Mr. R. Aravanan.
Ex.P.2	-	Photocopy of PW1's Family Card bearing No.02/G/0431243.
Ex.P.3	-	Computer generated Death Certificate of PW1's husband Mr. R. Aravanan.
Ex.P.4	-	Original Legal Heirship Certificate in respect of PW1's husband Mr. R. Aravanan.
Ex.P.5	25.09.2015	Photocopy of the order in R.C. No.U6/11912/2015 passed by the District Collector, Chennai.
Ex.P.6.	08.02.2016	Photocopy of the letter from the Assistant Commissioner, HR & CE Dept., Chennai-34.
Ex.P.7	19.02.2020	Copy of paper publication effected in one issue of Tamil daily "Maalai Sudar".
Ex.P.8	28.02.2024	Order passed in A. No.1080 of 2024 by this Court.
Ex.P.9	-	Photocopy of the birth certificate of 2 nd petitioner.



Exhibit No.	Date	Description of document
Ex.P.10	-	Photocopy of PW2's Aadhar Card.

List of Respondent side Witnesses:

RW1 : Mrs. A. Rani

List of Respondent side Documents:

Exhibit No.	Date	Description of document
Ex.R.1	-	Photocopy of RW1's Aadhar Card.
Ex.R.2	-	Photocopy of authorization for pension and CVP issued by Office of the Accountant General (A&E) in respect of pension of Mr. R. Aravanan.
Ex.R.3	-	Photocopy of RW1's Pensioner Identity Card issued by Government of Tamil Nadu.
Ex.R.4	-	Photocopy of RW1's Family Star Health Insurance Card.
Ex.R.5	-	Photocopy of Family Card for the period 2005-2009 of Mr. Aravanan.
ExR6.	28.08.1998	Photocopy of the Identify card issued by Election Commission of India to Mr. R. Aravanan.
Ex.R7	28.08.1998	Photocopy of RW1's Voter's ID Card.
Ex.R.8	18.03.2006	Photocopy of the Voter ID Card of Mr. Aravanan.
Ex.R.9	15.03.2006	Photocopy of RW1's Voter ID Card.
Ex.R10	14.01.2011	Photocopy of the Voter ID Card of Mr. R.



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Exhibit No.	Date	Description of document
		Aravanan.
Ex.R11	14.01.2011	Photocopy of RW1's Voter ID Card.
Ex.R.12	01.08.2014	Photocopy of Voter ID Card of Mr. R. Aravanan
Ex.R.13	01.08.2014	Photocopy of RW1's Voter ID Card.
Ex.R.14	-	Photocopy of ID Card of Government Employees of New Health Insurance Scheme.
Ex.R.15	09.03.2012	Photocopy of the Puberty ceremony invitation of S.D. Ramalakshmi @ Praveena.
Ex.R.16	10.01.2013	Photocopy of the letter given by Bank of Baroda to Mr. Aravanan to renew the loan immediately.
Ex.R.17	-	Computer generated Birth Certificate of Ms. A.Leela Vinothini.
Ex.R.18	-	Photocopy of the burial report of Mr. Aravanan.
Ex.R.19	-	Computer generated Death Certificate of Mr. Aravanan.
Ex.R.20	-	Photocopy of the Legal Heirship Certificate of Mr. R. Aravanan.
Ex.R.21	25.09.2015	Photocopy of the letter issued by the Tahsildar, District Collector, Chennai to RW1.
Ex.R.22	-	Photocopy of CSR No.73/D1 PS/85 issued by D1 Triplicane Police Station to Mr. Aravanan.



Exhibit No.	Date	Description of document
Ex.R.23	-	Photocopy of the Bank passbook account in C.C. Bank held by Mr. R. Aravanan bearing A/c No.7976.
Ex.R.24 series (10 nos)	-	Photocopies of receipts for the payment of donation paid to children's Home of Hope.
Ex.R.25	-	Certificate under Section 65B of the Indian Evidence Act, 1872 for Exs. R17 and R19.
Ex.R.26 series	24.06.2014	Original medical records and bills of Mr. R. Aravanan issued by VRR Diagnostics.
Ex.R.27 series	17.07.2014 to 24.07.2014	Original medical records and bills of Mr. R. Aravanan issued by Forties Malar Hospital.
Ex.R.28	18.08.2014	Photocopy of the death report of Mr. R. Aravanan issued by Government Hospital, Royapettah.

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**PRE-DELIVERY ORDER IN
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