

IN THE COURT OF THE I ADDITIONAL DISTRICT
JUDGE(PCR), THANJAVUR.

**PRESENT: Thiru.V.S. Kumaresan, L.L.M.,
I Additional District Judge (PCR), Thanjavur.**

Thursday, the 04th day of June 2026
2057 Thiruvalluvar Aandu Sri Parapava 21st day of Vaikasi Thingal.

Original Suit No. 191 of 2022
[CNR.No.TNTJ09 – 000796 - 2022]

Tmt. Mahalakshmi

...Plaintiff

Vs.

Tmt. R. Divya

...Defendant

This suit originally filed before the Principal District Court, Thanjavur on 05.08.2022 and 29.08.2022 and taken on file on 01.09.2022 and numbered as O.S.No.191 of 2022 and made over to this court as per order of the Principal District Judge, Thanjavur and came up before this court for final hearing on 22.04.2026 in the presence of Thiru.G. Paramasivam, advocate for the plaintiff and of Thiru. S. Mohanraj, advocate for the defendant, and after hearing both sides arguments, perused the documents and having stood for consideration till this day, this court deliver the following:

ORDER

This suit is filed by the plaintiff to direct the defendant to pay a sum of Rs.13,33,333/- as compensation to the plaintiff as the plaintiff is the one of

the legal-heir of one Rajkumar, who is the younger son of the plaintiff, died while working in a Sugar Mill in Nigeria and the management of the afore mentioned Sugar Mill paid Rs.40,00,000/- with cost.

The averments in the Plaint in brief is as follows:

2) The plaintiff is the mother-in-law of the defendant. Plaintiff and her husband Varadharaj has two sons, the elder son is one Gajendran and one Rajkumar who is the younger one. The plaintiff's husband was infected with Psoriasis disease and he was unable to do any work and huge amount of more than Rupees 10 lakhs was spent for his medical expenses and still he is under treatment. Therefore, the plaintiff single handedly with meager help of her husband by doing coolie job has raised their children Gajendran and Rajkumar by giving them good education by their sheer hard work by spending huge amount. After the completion of the polytechnic and B.Tech. education, the said Rajkumar was sent to Vietnam for job for which the plaintiff has spent more than Rs.2,00,000/-, However in Vietnam, only meager salary was given to the said Rajkumar and therefore he came back to India and helped the plaintiff in her farm work. In the meanwhile, the plaintiff also solemnized the marriage of Rajkumar with the defendant in a grand manner by spending a huge sum of Rs.3,50,000/- by pledging the lands for more than Rs.2,00,000/- and by spending her savings as well as by selling some of her

jewels. After the solemnization of marriage the defendant and her husband Rajkumar opened a joint account in Indian Overseas Bank, Periyar Maniammai University Campus Branch in Account No.196101000002279. In the year 2018 the said Rajkumar was sent to Nigeria for job for which the plaintiff spent huge amount by obtaining loan from others. The said Rajkumar earned Rs.1,60,000/- per month. However only a meager amount of Rs.4000/- was given to the plaintiff by the defendant which itself is spent for payment of interest for the loan obtained. In the meanwhile, a female baby Srinaha was born to the said Rajkumar and defendant on 26.02.2019. The deceased Rajkumar asked the plaintiff to pay Rs.1,50,000/- to defendant for purchase of a plot, near Thanjavur new bus stand by promising that he will repay the said amount. Hence, the plaintiff has pledged her jewels and her husband jewels in Poovalur Indian Bank and obtained Rs.1,48,000/- and gave it to the defendant for purchase of plot, towards the said loan more than Rs.4,00,000/- was pending towards Principal as well as interest.

3) In the meanwhile, the younger son of the plaintiff and husband of defendant, Rajkumar died by committing suicide on 13.12.2021 and after huge efforts his body was brought to India and more than Rs.80,000/- was spent by the plaintiff and his elder son for the funeral of the Rajkumar. In the meanwhile, the sugar factory in which the said Rajkumar was working has

settled a compensation of Rs.40,00,000/- and the same was transferred to the joint account of the defendant and deceased Rajkumar in Indian Overseas Bank, Periyar University Campus. The plaintiff, being the mother also one of the legal-heir of the deceased Rajkumar. However no amount was paid to the plaintiff by the defendant towards her share as she is entitled to 1/3 share in the said amount of Rs.40,00,000/- as the defendant and her daughter Srinaha are entitled to another 2/3 share. Despite, demands, the defendant refused to pay the said amount. Hence, the plaintiff has preferred complaint and has issued legal notices and since even after that the defendant failed to gave her 1/3 share in that compensation amount she has filed this suit for such relief to declare that she is entitled to 1/3 share in the compensation amount of Rs.40,00,000/- and for other reliefs.

The averments in the written statement filed by the defendant is as follows:-

4) The averments in the plaint are all false and frivolous. The plaintiff is put to strict proof of each and every allegations in the plaint. It is true that the plaintiff's son and this defendant husband Rajkumar died by committing suicide in the Nigeria and it is also true that a sum of Rs.55000 dollars, equivalent to Rs.40,00,000/- in Indian value was sent as a compensation for the death of the said Rajkumar. However, the said amount was sent only for the

benefit of this defendant and her minor daughter Srinaha, in which the plaintiff have no right of any manner. This defendant and her minor child were left without any support after the death of her husband Rajkumar and only to compensate the same the company has given Rs.40,00,000/- as compensation. However, the plaintiff is in the habit of threatening the defendant to obtain the said compensation amount. This defendant also despite her situation has paid a sum of Rs.1,60,000/- to the plaintiff. However, taking advantage of the same, the plaintiff is continuously demanding amount from the defendant and now filed this suit with false claim as the compensation amount was given only for the benefit of the defendant and her minor child. There were several joint family properties available in Mangudi village from which lot of income were generated and however for this defendant there was income at all and she is struggling for her day to day affairs. The plaintiff has filed this suit only to deny the right of the minor child over the family properties as daughter of deceased Rajkumar. The said minor Srinaha is having equal right over the family properties and however to deny her share in the properties, the plaintiff family is trying to dispose of the same by creating documents and encumbering the same. The plaintiff is in custody of the Srithana articles given to the defendant at the time of marriage worth Rs.7,00,000/- and refused to give the same. The plaintiff filed this suit in order to harrass the defendant. This suit

lack merit and therefore the suit has to be dismissed with cost.

5) On the basis of pleadings, the following issues were framed on 01.02.2024:

01)	Whether the plaintiff is entitled to 1/3 share amount from the amount paid by the company at which the plaintiff's younger son deceased Rajkumar was working after the demise of her younger son?
02)	Whether the plaintiff is entitled for the relief as prayed for?
03)	To what other reliefs, if the parties are entitled to?

6) On the side of the plaintiff, plaintiff Tmt. Mahalakshmi examined herself as PW1, one Senthamizharasan was examined as PW2 and Exs.A1 to A21 were marked. On the side of the defendant, defendant Tmt. Divya examined herself as DW1, one Tamizhalagan was examined as DW2 and Ex.B1 is marked.

Issue Nos.1 and 2:-

7) The plaintiff has filed the suit for claiming her 1/3rd share over the compensation amount that has been granted towards the death of her son. It is an admitted fact that the defendant is the daughter-in-law of the plaintiff. For the plaintiff there were two sons, namely, Gajendran and Rajkumar. The said Rajkumar is the husband of the defendant. Out of the marital relationship between the defendant and the said Rajkumar, a female child by name, Srinaha was born to them. There is no dispute in the relationship between the parties

as enumerated above. It is also an admitted fact that the said Rajkumar studied ITI and B.Tech. and plaintiff and her family borne the education expenses for the said Rajkumar. It is also an admitted fact that marriage between the said Rajkumar and defendant was solemnized on 08.09.2017. It is also an admitted fact that out of the said matrimonial relationship the couple had a female child by name 'Srinaha'. After the said marriage during 2018, the said Rajkumar went to Nigeria for his job opportunity and he got employment there in the sugar-cane company and earned Rs.1,60,000/- is also not in dispute. It is also an admitted fact that the said Rajkumar died at Nigeria on 13.12.2021. It is also an admitted fact after the death of the said Rajkumar, the company in which he was employed has paid a sum of 55000 dollars which is equivalent to Rs.40,00,000/- in the Indian money value and deposited the said amount in the joint account of the deceased Rajkumar and defendant in the Indian Overseas Bank, Periyar Maniammai University Campus Branch in Account No.196101000002279.

8) Admittedly after the death of the deceased Rajkumar, the plaintiff, defendant and daughter of Rajkumar Srinaha were legal-heirs as per Indian Succession Act and the Tahsildar has also issued legal-heirship certificate as may be seen from Ex.A8. In such circumstances, the only dispute that has to be resolved in this case is whether the plaintiff is entitled to a share in the

compensation amount given for the death of the deceased Rajkumar. The plaintiff claims that being the mother and one of the legal heir of the deceased Rajkumar, she is entitled to 1/3 share in the compensation amount, that is, Rs.13,33,333/-.

9) However, the defendant denied the said claim by stating that at the time of death of the said Rajkumar she was only 31 years and her daughter was only 3 years old and therefore for their future benefit alone the said amount of Rs.40,00,000/- has been given as compensation in which the plaintiff has got no legal right or any share and therefore the said claim is a vexatious one. The plaintiff claims that she gave education and brought up the said Rajkumar and solemnized marriage for the said Rajkumar with the defendant in a grand manner and for which she has spent lot of money and that even at present her husband was affected with psoriasis for which she is spending huge amount for medical expenses and therefore she is in need of money and she being a legal-heir is entitled to 1/3 share in the compensation amount.

10) The defendant merely claim that the said amount of compensation was issued to her only for the benefit of future of herself and her daughter Srinitha and therefore in the said amount the plaintiff has got no right at all. It is her claim that even at the time of the death of Rajkumar she received communication from the company stating that they are giving compensation

amount to secure the future of herself and her daughter. But the defendant has not filed any such communication either through e-mail or whatsapp from the company in which the deceased Rajkumar was working. Therefore, the claim made by the plaintiff as though the compensation amount was granted only for the benefit of defendant and her daughter cannot at all be countenanced. In any amount granted towards compensation of deceased first-class legal-heirs are equally entitled to a share is a settled position of law. In such circumstances, the contrary claim made by the defendant cannot be accepted. Therefore, in the compensation amount of Rs.40,00,000/- as claimed by the plaintiff, she is entitled to 1/3 share, that is Rs.13,33,333/- with cost. Issue Nos.1 and 2 are answered accordingly.

Issue No.3:-

11) Proper and necessary reliefs are granted to the plaintiff and therefore the plaintiff is not entitled to any other relief. Issue No.3 answered accordingly.

In the result, the suit is decreed with cost, by directing the defendant to pay a sum of Rs.13,33,333/-, from out of Rs.40,00,000/- awarded as compensation to the plaintiff towards the death of her younger son Rajkumar, who died while working in a Sugar Mill in Nigeria.

Dictated to steno-typist Gr.I, taken down by her in shorthand, transcribed and typed by her in computer, corrected and pronounced by me in the open court, on this the 04th day of June 2026.

I Additional District Judge,
(PCR), Thanjavur.

List of witness examined on the side of the plaintiffs:-

PW1	Tmt. Mahalakshmi (Plaintiff)
PW2	Thiru. Senthamizharasan

List of exhibits marked on the side of the Plaintiffs:-

Ex.A1	-	Xerox copy of Aadhaar card of plaintiff
Ex.A2	-	Xerox copy of family card of plaintiff
Ex.A3	-	Xerox copy of Aadhaar card of Rajkumar
Ex.A4	08.09.2017	Original marriage invitation of Rajkumar
Ex.A5	-	Photographs of Rajkumar and defendant (two numbers)
Ex.A6	-	Xerox copy of statement of bank account of plaintiff
Ex.A7	14.12.2021	Xerox copy of letter of District Collector, Thanjavur
Ex.A8	07.02.2022	Original legal-heris certificate of Rajkumar
Ex.A9	29.04.2022	Copy of complaint filed by the plaintiff to The Chief Minister
Ex.A10	29.04.2022	Copy of complaint filed by the plaintiff to The District Collector, Trichy
Ex.A11	12.05.2022	Copy of complaint filed by the plaintiff to the Revenue Divisional Officer, Lalgudi
Ex.A12	23.05.2022	Office copy of reply notice filed by the defendant to the plaintiff's advocate

Ex.A13	28.05.2022	Original acknowledgment card
Ex.A14	01.06.2022	Copy of notice issued by the defendant advocate to the plaintiff's advocate
Ex.A15	20.05.2022	Letter sent by the plaintiff to the bank along with acknowledgment
Ex.A16	29.04.2022	Complaint filed by the plaintiff to the District Collector, Thanjavur with acknowledgment card
Ex.A17	01.01.2022	Print out Whatapps message
Ex.A18	11.08.2022	email print out sent by the plaintiff to IOB, Periyar Maniammai University Branch
Ex.A19	21.11.2023	Online copy of patta No. 5152 in the name of Divya W/o. Rajkumar
Ex.A20	21.11.2023	Online copy of patta No. 5226 in the name of Divya W/o. Rajkumar
Ex.A21	08.06.2025	Original marriage invitation of defendant's brother Pradeep and Sowmiya

List of witnesses examined on the side of the defendant:

DW1	Tmt. R. Divya (defendant)
DW2	Thiru. Tamizhalagan

List of exhibits marked on the side of the Defendants:-

Ex.B1	18.03.2019	Original birth certificate of Srinaha
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I Additional District Judge,
(PCR), Thanjavur.