

KADW300003812026



IN THE COURT OF THE CIVIL JUDGE & JMFC,
KALAGHATAGI

PRESENT: Sri.G Sanjeev Kumar, MBA., LLB.,
Civil Judge & JMFC,
Kalaghatagi.

DATED THIS THE 25th DAY OF JULY, 2026

O.S.No.: 67/2026

- PLAINTIFF/S:**
- Smt. Sonavva @ Sonabai
W/o. Dyamanna @ Dyamappa Melagiri
@ Melageri,
Age: 75 years, Occ: House hold work,
R/o. Galagi Hulakoppa village,
Tq: Kalaghatagi, Dist: Dharwad.
 - 2 Sri. Peerappa S/o. Dyamanna @
Dyamappa Melagiri @ Melageri,
Age: 59 years, Occ: Agriculture,
R/o. Galagi Hulakoppa village,
Tq: Kalaghatagi, Dist: Dharwad.
 - 3 Kumari. Subbakka D/o. Dyamanna @
Dyamappa Melagiri @ Melageri,
Age: 54 years, Occ: House hold work,
R/o. Galagi Hulakoppa village,
Tq: Kalaghatagi, Dist: Dharwad.
 - 4 Sri. Devaraj S/o. Dyamanna @
Dyamappa Melagiri @ Melageri,
Age: 51 years, Occ: HAL Employee,
R/o. Srisai Nilay, Halashalli Cross,
Kaveri Layout, Vartur, Varturu,
Bengaluru-560087. Karnataka.

- 5 Sri. Siddappa S/o. Dyamanna @
Dyamappa Melagiri @ Melageri,
Age: 48 years, Occ: Agriculture,
R/o. Galagi Hulakoppa village,
Tq: Kalaghatagi, Dist: Dharwad.
- 6 Smt. Sakkubai W/o. Mallikarjun
Devappanavar, Age: 46 years,
Occ: House hold work,
R/o. Galagi Hulakoppa village,
Tq: Kalaghatagi, Dist: Dharwad.

(By L.R.S., Advocate)

V/s

- DEFENDANT/S:** The Deputy Commissioner,
Dharwad, Dist: Dharwad.
- 2 The Tahasildar
Kalaghatagi, Dist: Dharwad.
 - 3 The Deputy Tahasildar
Nadakacheri, Dummawad,
Tq: Kalaghatagi, Dist: Dharwad.

(D1 to 3 By AGP)

Date of Institution of the suit:	16.04.2026		
Nature of the suit:	Declaration and Mandatory injunction		
Date of commencement of recording of the evidence:	13.07.2026		
Date of which the Judgment was pronounced:	25.07.2026		
Total duration:	<u>Years</u> 00	<u>Months</u> 03	<u>Days</u> 09

**Civil Judge & JMFC,
kalaghatagi.**

J U D G M E N T

This suit is filed by the plaintiffs to declare that they are the legal heirs of **Krishnavva W/o Dyamappa Melagiri** and to issue mandatory injunction to this effect to the Defendants for the issuance of Legal Heir Certificate.

PART- A

1. Factual Trajectory of the plaintiff's case:

The case of the plaintiff is encapsulated as per below:

(I) One Dyamappa Melagiri had contracted two marriages. His first wife was Krishnavva and his second wife is Plaintiff No.1. Plaintiffs No.2 to 6 are the children born out of the wedlock between the said Dyamappa Melagiri and Plaintiff No.1. It is further stated that the first wife of the deceased Dyamappa Melagiri has also predeceased him.

(ii) The plaintiffs contend that they are the only legal heirs of the deceased Dyamappa Melagiri. Accordingly, they had approached the Revenue Department seeking issuance of a Legal Heir Certificate in their favour. However, the

concerned authority issued an endorsement directing the plaintiffs to approach the competent Civil Court for an appropriate and efficacious remedy.

(iii) In these circumstances, having been left with no alternative remedy, the plaintiffs were constrained to institute the present suit against the defendants seeking the relief of declaration and consequential mandatory injunction.

2. Written Statement filed by the Defendant:

The contentions raised by the defendants in their written statement are encapsulated as follows:

(i) The defendants, while denying all the plaint averments, have specifically contended that the claim of the plaintiffs, particularly the assertion that Plaintiff No.1, being the second wife of the deceased progenitor, and Plaintiffs No.2 to 6 as his children, constitute the exclusive legal heirs, is untenable in law and does not merit acceptance.

(ii) It is further contended that the plaintiffs have failed to comply with the mandatory requirements under Section 80 of the Code of Civil Procedure, 1908, prior to instituting the present suit. The defendants have also urged that the plaintiffs have not undertaken any paper publication or public notice regarding their alleged heirship to the deceased progenitor.

(iii) The defendants further contend that the suit is barred by limitation, as the deceased progenitor is stated to have passed away on 18.04.2011. It is also asserted that the request for issuance of a Legal Heir Certificate was rightly declined, inasmuch as the deceased had two wives, giving rise to legal complications and rendering such issuance impermissible. On these grounds, the defendants have prayed for dismissal of the suit.

3. Issues framed

Acting U/o 14 rule 1 of CPC and considering the materials on record, this court had framed the following issues for consideration:

ISSUES

Issue No.1: Whether the plaintiffs prove that they are the legal heirs of deceased "Smt. Krishnavva @ Krishamma W/o. Dyamanna @ Dyamappa Melagiri"?

Issue No.2: Whether the plaintiffs are entitled for the relief of declaration as sought for?

Issue No.3: Whether the plaintiff is entitled for the relief of mandatory direction as sought for?

Issue No.4: What Order or Decree?

4. Plaintiff's Evidence :-

Plaintiff No.5 had examined himself as PW1 and had filed an affidavit in lieu of his examination-in-chief and got marked Ex.P1 to Ex.P14. The detailed description of the documents are as per below:

Sl. No.	Description of Document	Exhibits
1	Original copy of death certificate dated 06.04.2018	Ex.P-1

2	Copy of the letter dtd 29.01.2026	Ex.P2
3	Endorsement issued by Tahasildar Kalaghatagi dtd 21.02.2026	Ex.P-3
4	Copy of application made for issuance of legal heir certificate	Ex.P-4
5	Death certificate dtd 01.04.2013	Ex.P-5
6	Copy of application made for issuance of legal heir certificate dtd 27.02.2013	Ex.P-6
7	Aadhar card bearing Nos.1249, 0766, 5187, 0461 and 2123	Exs.P-7 to 11
8	Computerized copy of RTC extracts of Sy.No.105/4	Exs.P-12 to 14

5. Defendants' Evidence :-

The defendants have not led their evidence and they have not produced any documents.: :

6. Findings on the Issues:-

Heard the arguments of the plaintiffs and the Defendants and perused the materials on record. This Court had arrived at the following findings :-

Issue No.1 : In the **Affirmative**

Issue No.2 : In the **Affirmative**

Issue No.3 : In the **Negative**

Issue No.4 : As per final order for the following:

PART- B

7. Issue No. 1: This issue is raised casting burden on the Plaintiffs to prove that they are the Legal heirs of the deceased Krishnavva W/o Dyamappa Melagiri.

8. The burden of proving this issue rests upon the Plaintiffs. In discharge of the said burden, Plaintiff No.5 has entered the witness box as **PW1**, filed his examination-in-chief by way of affidavit, and has produced and got marked **Ex.P1 to Ex.P14.**

9. Ex.P1 and Ex.P5 are the death certificates of deceased Krishnavva W/o Dyamappa Melagiri and deceased Dyamappa Melagiri respectively. Ex.P2 is the letter dated 29.01.2026. Ex.P3 is the endorsement issued by the Tahsildar. Ex.P4 and Ex.P6 are the applications submitted by the Plaintiffs seeking issuance of a legal heir certificate. Ex.P7 to Ex.P11 are the Aadhaar Cards of the Plaintiffs, and Ex.P12 to Ex.P14 are the computerized RTC extracts pertaining to land bearing Sy. No.105/4. These documents

are relevant for adjudication of the present issue and, therefore, deserve consideration.

10. At the outset, it is significant to note that the documentary evidence adduced by the Plaintiffs has remained substantially unchallenged. During the cross-examination of PW1, the Defendants have neither disputed the execution, authenticity, nor the genuineness of Ex.P1 to Ex.P14. No suggestion has been put to PW1 impeaching the validity of the said documents. Equally, no contrary documentary evidence has been produced by the Defendants to discredit the Plaintiffs' case. It is a settled principle that documentary evidence which remains uncontroverted and unimpeached ordinarily carries considerable evidentiary value.

11. Ex.P1 and Ex.P5 conclusively establish the death of Krishnavva and Dyamappa. Ex.P3, coupled with Ex.P4 and Ex.P6, demonstrates that the Plaintiffs had approached the jurisdictional Tahsildar seeking issuance of a legal heir

certificate. The Tahsildar, however, declined to issue the same by endorsing that since deceased Dyamappa had two wives, the question of heirship involved disputed civil rights and, therefore, required adjudication by a competent Civil Court. Thus, Ex.P3 does not negate the Plaintiffs' claim; rather, it furnishes the very cause of action for instituting the present suit.

12. The evidence of PW1 further discloses that Krishnavva, the first wife of deceased Dyamappa, died issueless. The Plaintiffs claim succession as the legal heirs entitled to represent the estate of deceased Krishnavva through the family lineage of deceased Dyamappa. Significantly, the Defendants have not placed any material before the Court to show the existence of any other person having a superior or competing claim over the estate of deceased Krishnavva. No rival claimant has either been impleaded or has come forward to dispute the Plaintiffs' entitlement. In the absence of any competing claim and in

view of the uncontroverted oral and documentary evidence, there is no reason to disbelieve the testimony of PW1.

13. It is also pertinent to observe that the present suit is not one involving adjudication of inter se rival claims of succession between competing heirs. The controversy has arisen solely because the revenue authorities declined to issue a legal heir certificate in view of the existence of two wives of deceased Dyamappa and directed the Plaintiffs to obtain a declaration from the competent Civil Court. The endorsement of the Tahsildar cannot, by itself, determine or extinguish the civil rights of the parties. The jurisdiction to declare the legal status and heirship of the parties squarely lies with the Civil Court.

14. On an overall appreciation of the oral testimony of PW1, the documentary evidence produced at Ex.P1 to Ex.P14, and in the absence of any rebuttal evidence from the Defendants, this Court is satisfied that the Plaintiffs have discharged the burden cast upon them. Their evidence

inspires confidence and establishes, on the touchstone of preponderance of probabilities governing civil proceedings, that they are the legal heirs of deceased Krishnavva W/o Dyamappa Melagiri. Accordingly, **Issue No.1 is answered in the Affirmative.**

15. Issue Nos.2 & 3: These issues are raised to discuss regarding the Plaintiffs' entitlement for the relief of Declaration and mandatory Injunction, respectively. Since both these issues arise out of the same set of facts and evidence and are interlinked, they are taken up together for common discussion in order to avoid repetition.

16. While answering Issue No.1, this Court has already recorded a categorical finding that the Plaintiffs have successfully established that they are the legal heirs entitled to represent the estate of deceased Krishnavva W/o Dyamappa Melagiri. The said finding has attained significance as the very foundation of the present suit is the refusal of the revenue authorities to issue a legal heir

certificate on the ground that deceased Dyamappa had two wives. The endorsement issued by the Tahsildar does not dispute the existence of the Plaintiffs or their relationship with the deceased; rather, it merely records that in view of the existence of two wives, the matter involves adjudication of civil rights and, therefore, the parties should obtain an appropriate declaration from a competent Civil Court.

17. It is well settled that where the legal character or legal status of a person is denied or clouded, the Civil Court is competent to declare such legal status under Section 34 of the Specific Relief Act. The declaration sought by the Plaintiffs is neither speculative nor academic. It directly concerns their legal character as heirs of deceased Krishnavva and has become necessary only because the statutory authority has declined to issue the legal heir certificate without an adjudication by a Civil Court. Thus, the Plaintiffs have established not only their legal entitlement but also the necessity for seeking declaratory relief. Consequently, this Court is of the considered opinion

that the Plaintiffs are entitled to a declaration that they are the legal heirs of deceased Krishnavva W/o Dyamappa Melagiri.

18. However, the position is materially different insofar as the relief of mandatory injunction is concerned. The Plaintiffs have sought a direction against the revenue authorities to issue a legal heir certificate pursuant to the declaration. Such a relief cannot be granted as a matter of course. The issuance of a legal heir certificate is an administrative function governed by the relevant statutory provisions, executive instructions and departmental procedure. Even after a declaration by a competent Civil Court, the concerned authority is required to verify compliance with the applicable statutory requirements before issuing any certificate. A Civil Court ordinarily does not substitute itself for the statutory authority by directing it to perform an administrative act in a particular manner, unless there is a clear statutory duty coupled with a corresponding legal right and a failure to perform such duty.

In the present case, no such circumstance has been established.

19. The declaration granted by this Court adequately determines the civil rights of the Plaintiffs. It is for the competent revenue authority to consider the effect of such declaration and take an appropriate decision in accordance with law. Once the legal status of the Plaintiffs stands declared by this Court, the authorities are expected to act upon the decree, subject to compliance with the governing statutory provisions. Therefore, the further relief of mandatory injunction directing issuance of a legal heir certificate is neither necessary nor legally warranted.

20. Accordingly, the Plaintiffs have succeeded in proving their entitlement to the declaratory relief but have failed to make out a case for grant of mandatory injunction. Hence, **Issue No.2 is answered in the Affirmative** and **Issue No.3 is answered in the Negative.**

21. Issue No.4: For the forgoing reasons, this Court is inclined to pass the following:

ORDER

The suit of the Plaintiffs is **partly decreed with costs.**

It is hereby declared that the Plaintiffs are the legal heirs of deceased **Krishnavva W/o Dyamappa Melagiri.**

However, it is made clear that the above declaration is **only a declaration of the Plaintiffs' legal status as legal heirs and shall not be construed as conferring upon the Plaintiffs any exclusive or preferential right to succeed to, inherit, or exclusively represent the estate of deceased Krishnavva W/o Dyamappa Melagiri,** nor shall it prejudice the rights, if any, of any other person who may be entitled to succeed to the estate under the applicable law. Any such rights shall be determined independently in appropriate proceedings, if occasion so arises.

The prayer seeking **mandatory injunction** directing the Defendants to issue a legal heir certificate or to

effect consequential administrative action is **hereby DISMISSED**.

The Defendants shall act upon the declaration granted herein strictly in accordance with law and the applicable statutory provisions, without treating this decree as dispensing with any statutory requirements.

Office is hereby directed to draw decree accordingly.

(Dictated to Adalat Ai, auto transcribed by Adalat Ai formatted by Stenographer corrected by me and then pronounced by me in the open court on this **25th day of July, 2026**)

(G. Sanjeev Kumar)
Civil Judge & JMFC,
Kalaghatagi,

A N N E X U R E

List of witnesses examined on behalf of Plaintiff :

PW.1 : Sri. Siddappa S/o. Dyamanna @ Dyamappa
Melagiri @ Melageri

List of documents marked on behalf of plaintiff;

Ex.P1 : Original copy of death certificate
dated 06.04.2018
Ex.P2 : Copy of the letter dtd 29.01.2026
Ex.P3 : Endorsement issued by Tahasildar

- Kalaghatagi dtd 21.02.2025
- Ex.P4 : Copy of application made for issuance of legal heir certificate
- Ex.P5 : Death certificate dtd 01.04.2013
- Ex.P6 : Copy of application made for issuance of legal heir certificate dtd 27.02.2013
- Exs.P7 to 11 : Aadhar card bearing Nos.1249, 0766, 5187, 0461 and 2123.
- Ex.P12 to 14 : Computerized copy of RTC extracts of Sy. No.105/4

List of witnesses examined on behalf of Defendants:

- NIL-

List of documents marked on behalf of Defendants:

- NIL-

(G. Sanjeev Kumar)
CIVIL JUDGE & JMFC,
KALAGHATAGI,