

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF COURT,  
POLLACHI.**

**PRESENT: Thiru. M.S.Sreenath B.A., B.L.,(Hons) L.L.M.,  
Additional District Munsif, Pollachi**

**Thursday 19<sup>th</sup> day of June 2025**

**IA 11/2025**

**In**

**O.S. No.736/2010**

1. K.N.Vadivelu (died)
2. Gopal @ K.N.Gopal (died)
3. N.Balasubramaniam
4. N.Chandran
5. Rajamani (died)
6. Gomathi
7. Sivakumar
8. Panjali
9. Bharathi
10. Shanthi
11. Revathi
12. Anandakumar

....Petitioners/ No.1 to 7 Plaintiffs  
No.8 to 12 Proposed  
No.8 to 12 Plaintiffs

**-Vs-**

1. Nachammal
2. Mariammal
3. Kousalya (died)
4. Arunadevi
5. Nachimuthu
6. Rohini
7. Karthikadevi

.... Respondents/Defendants

This Petition came up for final hearing before me in the presence of Thiru K.P.Shanmugam, learned Counsel for Petitioners and D1 and D3 died and in the presence of Thiru.S.Senthilkumar as learned counsel for the 2<sup>nd</sup> Respondent, 4<sup>th</sup>

Respondent remained exparte, 5<sup>th</sup> Respondent- Party in person and in the presence of Thiru.P.B.Kumar as learned counsel for the 6<sup>th</sup> and 7<sup>th</sup> Respondents. Upon hearing the arguments of the both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

### **ORDER**

This petition is filed under Order 22 Rule 3 of CPC by the petitioners to implead 8 to 12 petitioners as legal heirs of deceased 2<sup>nd</sup> plaintiff Gopalan.

#### **1. SUBMISSIONS OF THE PETITIONER**

This suit was filed for partition. During the pendency of the suit, 2<sup>nd</sup> plaintiff died on 05.12.2024. The 8<sup>th</sup> petitioner is the wife of deceased 2<sup>nd</sup> plaintiff and 9<sup>th</sup> to 12<sup>th</sup> petitioners are their children. The deceased 2<sup>nd</sup> plaintiff had one more daughter by name Valarmathi who died on 22.08.2019. Her husband Shanmugam also died on 19.02.2013 and their daughter Shanmathi died when she was 7 years old. The 8 to 12 petitioners are the only surviving legal heirs of deceased 2<sup>nd</sup> plaintiff and hence are entitled to his share. Therefore it is necessary to implead 8 to 12 petitioners as legal heirs of deceased 2<sup>nd</sup> plaintiff or else they will be put to irreparable loss. Hence, the petitioner prays to implead 8 to 12 petitioners as legal heirs of deceased 2<sup>nd</sup> plaintiff.

#### **2. COUNTER OF 5<sup>th</sup> RESPONDENT(ADOPTED BY 2<sup>nd</sup>, 6<sup>th</sup> and 7<sup>th</sup> RESPONDENTS)**

The averments of the petition are false, frivolous and vexatious. There has been malpractice in determining legal heirs of deceased 2<sup>nd</sup> plaintiff in the averments of the petition. The factum of 2<sup>nd</sup> plaintiff's first wife Papathi has been suppressed while obtaining legal heir certificate. The petitioners have suppressed the fact that signature was obtained from said Papathi that she does not have any legal heirship and she was omitted from the legal heir certificate and no explanations for the same have been

mentioned in the petition. The said legal heir was omitted from impleading as a party by the petitioners on selfish reasons and they have preferred this petition. Legal heirs, which ought to have been decided by court, have been decided by the petitioners themselves. The present petition is filed suppressing actual facts and deserves to be dismissed.

### **3. DISCUSSIONS**

Heard both sides. Records perused. Rival submissions considered. The petitioners have submitted death certificate Exp1 and legal heir certificate Exp2 of deceased 2<sup>nd</sup> plaintiff. Per contra, the respondents have not submitted any documents to show that said Papathi was the first wife of the deceased 2<sup>nd</sup> plaintiff or even to show such a person named Papathi exists. On perusal of legal heir certificate Exp2, it is seen that 8 to 12 petitioners have been alone mentioned as surviving legal heirs of deceased 2<sup>nd</sup> plaintiff. This court is aware that legal heir certificate is only a relationship certificate, but even the same does not mention about said Papathi. The legal heir certificate has been issued by the Tahsildar and as long as no proof has been shown for alleged malpractice, it shall be presumed to be issued properly after due enquiry. Hence in cumulative effect of the aforesaid discussion, this court is inclined to allow this petition.

IN THE RESULT, this petition is allowed. No costs.

Dictated by me, typed by steno-typist on my computer and corrected by me and pronounced by me in open court on this 19th day of June, 2025.

Sd/.....M.S.SREENATH  
ADDITIONAL DISTRICT MUNSIF  
POLLACHI

**Petitioner side witnesses : NIL**

**Petitioner's side documents:**

<b>Doc. No.</b>	<b>Date</b>	<b>Name of Document</b>	<b>Nature of Document</b>
Ex.P1	17.12.2024	Death Certificate Of Gopalan	Xerox copy
Ex.P2	05.01.2025	Legalheirship Certificate of Gopalan	Digitally signed online copy

**Respondent's side Witnesses and documents: Nil**

Sd/.....M.S.SREENATH  
ADDITIONAL DISTRICT MUNSIF  
POLLACHI

