

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, POLLACHI

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

Tuesday, the 17th day of March 2026

O.S. No. 226/2025

CNR No.TNCB-13000283-2025

1. Chinnasamy

2. Deivathal

3. Ramasamy

... Plaintiffs

-Vs-

1. The Tahsildar, Kinathukadavu

2. The Government of Tamilnadu

Rep by its District Collector, Coimbatore

...Defendants

This Suit came up for final hearing before me in the presence of Mr.V.Mathisekar, learned Counsel for the Plaintiffs and in the presence of Mr.S.Devasenathipathi, learned Government Pleader for the 1st and 2nd defendants. Upon hearing the arguments of both sides and upon perusing the materials on record and having stood over for consideration till this day, this court passes the following:

JUDGEMENT

This suit has been filed by the plaintiffs (a) declaring that the plaintiffs are the legalheirs of deceased Ponnusamy Gounder S/o.Late Thirumoorthy gounder, b) directing the defendants to pay the cost of this suit.

2. THE AVERMENTS IN THE PLAINT IN BRIEF:

(2.1) The plaintiffs submit that, the plaintiffs are the sons and daughter of the Ponnusamy Gounder S/o. Thirumoorthy gounder. The said Ponusamy Gounder died on 15.04.1996 at Chettikalipalayam village leaving behind Plaintiffs as his legal heirs to succeed his estate. The plaintiffs submit that, the wife and parents of the deceased of Ponnusamy Gounder were died long back. Their death was not recorded in the register. The Plaintiffs are the only legal heirs of the deceased Ponnusamy Gounder.

(2.2) The plaintiffs submits that landed properties are stands in the name of the deceased Ponnusamy Gounder, the legal heir ship certificate is required to transfer the name in revenue records. Therefore the 1 plaintiff has applied for the heir ship certified of the deceased Ponnusamy Gounder before the first defendant. However, the First defendant passed an online order in TN-720230518719 dated 07.06.2023 stating that to seek the proper remedy before the civil court. Since the deceased Ponnusamy Gounder died 26 years back and it is difficult to fix the proper legalheirs. Hence, the plaintiffs are constrained to file the suit.

3. THE AVERMENTS IN THE WRITTEN STATEMENT FILED BY THE 1ST DEFENDANT AND ADOPTED BY THE 2ND DEFENDANT IN BRIEF:

The averments of the suit are false and the suit is not maintainable in law and facts. Except for the facts admitted specifically herein, the plaintiffs are put to strict proof of the other pleadings of the suit. The plaintiffs are put to the strict proof of the facts that the plaintiffs are the children of Ponnusamu Gounder and that the wife and parents of Ponnusamy Gounder died years ago. The plaintiffs filed a petition with the 1st defendant seeking legalheirs certificate of Ponnusamy Gounder for mutating revenue records. Their petition was dismissed by the 2nd defendant after enquiry for

the reason that Ponnusamy Gounder died 26 years back. The petitioners were directed to seek their appropriate remedy through court. Cause of action is false. Hence the suit may be dismissed with costs.

4. Issues:

On considering the pleadings of both parties the following issues were framed on 03.02.2026.

1. Whether the plaintiffs are entitled to declaration as prayed for?
2. To what other relief?

5. On the side of the plaintiffs, PW1 and PW2 were examined and Ex.A1 to Ex.A5 and Ex.X1 were marked. On the side of the defendants, no witnesses were examined. Heard the learned counsel on both sides and perused the materials for available on record.

6. Issues No. 1 to 3:

(6.1) The learned counsel for the plaintiffs argued that PW1 and PW2 have deposed in terms of their plaint and proved their case by exhibits Ex.A1 to Ex.A5 and Ex.X1 and hence the suit is entitled to be decreed. The learned counsel for the 1, 2 defendants submitted that the plaintiffs have not proved their case and hence the suit may be dismissed.

(6.2) Both side heard. Records perused. Rival submissions considered. In the present suit, the plaintiffs claim to be legalheirs of deceased Ponnusamy Gounder. The death certificate of Ponnusamy Gounder Ex.A1 clearly shows Ponnusamy Gounder died on 15.04.1996. The order of the 1st defendant is marked as Ex.A2. The identity cards of the plaintiffs are marked as Ex.A3 to Ex.A5 to show their identity.

Both PW1 and PW2 have deposed that the plaintiffs are the children of Ponnusamu Gounder .

(6.3) However, the plaintiffs have simply pleaded that the wife and parents of the deceased of Ponnusamy Gounder were died long back and their death was not recorded in the register. However, the wife and parents of the deceased of Ponnusamy Gounder are not even pleaded and it is not specifically pleaded whether they predeceased Ponnusamy gounder or the other way around. As per the pleadings, the wife and parents of the deceased Ponnusamy Gounder would be mother and grand parents of the plaintiffs. The non pleading of their names and even the approximate time of their deaths raises suspicion.

(6.4) Furthermore, in the deposition of PW1, he has stated that his grand parents had died long back but has remained silent about wife of deceased Ponnusamy Gounder who is their mother. Even during cross-examination PW1 has deposed that he does not know particulars about parents of the deceased Ponnusamy Gounder. Similarly, PW2 is silent about the wife and parents of the deceased Ponnusamy Gounder. When PW2 was cross-examined, he stated that he did not know the names of the wife and mother of the deceased Ponnusamy Gounder. This does not support the case of the plaintiff. The mother and wife of a Hindu male are also Class I legalheirs and hence specific pleadings and evidence regarding them is necessary to determine the legalheirs of the deceased. However, as elucidated above, there is clear lack of necessary specific pleadings and evidence to support the case of the plaintiffs. It is settled law that the plaintiff's case must stand on its own legs and cannot rely upon the weakness of the defence. Hence this court comes to the conclusion that the plaintiffs have failed to prove their case and hence are not entitled to declaration as prayed for. Hence issue No.1 is decided against the plaintiffs.

7. Issue No.2

As issue No.1 is decided against the plaintiffs, the plaintiffs are not entitled to any other relief. Hence this issue is decided against the plaintiffs.

IN THE RESULT, this suit is DISMISSED. On considering the facts and circumstances of the case, there shall be no costs.

Dictated to the steno typist and typed by her directly in computer, then corrected and pronounced by me in the open court on this the 17th day of March 2026.

**ADDITIONAL DISTRICT MUNSIF,
POLLACHI**

Plaintiff side Witness:

PW1 – Chinnasamy (1st Plaintiff)

PW2 – Natarajan S/o.Velusamy

Plaintiff side Documents:

Doc. No	Date	Name of Documents	Nature
Ex.A1/PW1	15.04.1996	Death Certificate	Original
Ex.A2/PW1	07.06.2023	Rejection order of 1 st defendant	Online copy
Ex.A3/PW1	-	Aadhaar card of 1 st plaintiff	Compared with original
Ex.A4/PW1	-	Aadhaar card of 2 nd plaintiff	Compared with original
Ex.A5/PW1	-	Aadhaar card of 3 rd plaintiff	Compared with original

Defendants side Witnesses and Exhibits: Nil

Third party documents:

Doc. No	Date	Name of Documents	Nature
Ex.X1/PW2	-	Aadhaar card of PW2	Compared with original

**ADDITIONAL DISTRICT MUNSIF,
POLLACHI**

Fair/Draft Judgment

O.S.No.226/2025
Dated: 17.03.2026
Additional District Munsif Court,
Pollachi
