

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**

Friday, the 06th day of March 2026

O.S. No. 248/2024

CNR No.TNCB-13000292-2024

1. Kaaniappan
2. Kaaniappan
3. Muruganantham
4. Kaliappan
5. Deivathal
6. Kaliasammal

... Plaintiffs

-Vs-

1. The State of Tamilnadu
Rep by its District Collector, Coimbatore
2. The Tahsildar, Pollachi
3. Kannammal
4. Thirumalaisamy

...Defendants

(Amendment carried out as per Order in IA 3/25 dated 25.09.2025)

This Suit came up for final hearing before me in the presence of Mr.M.A.Kanagaraj, learned Counsel for the Plaintiffs and in the presence of Mr.S.Devasenathipathi, learned Government Pleader for the 1st and 2nd defendants and in the presence of Mr.R.Bharathi, learned counsel for the 3rd and 4th 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 the plaintiffs are the legal heirs of deceased Kaaniappa gounder, S/o.Kaliappa gounder to died on 29.07.2018 at Nattukalpalayam, Pollachi (b) directing the defendants to pay the cost of this suit.

2. THE AVERMENTS IN THE PLAINT IN BRIEF:

(2.1) The plaintiff submits that one Kuppanda gounder had agricultural properties at Nattukalpalayam Village subsequently Kuppanda gounder died intestate on 17.03.1975 leaving behind his sons Kaaniappa gounder, Kaliappa gounder, Paramasiva gounder daughters in law Sivamani, W/o.Palani gounder as his legal heirs. After the death of Kuppanda gounder his legal heirs succeeded to the properties of Kuppanda gounder as its absolute owner.

(2.2) The plaintiff submits that subsequent the legal heirs of Kuppanda gounder divided their properties under the registered partition deed dated 01.08.1986 and registered as Doc. No. 1775/1986. As per the recitals of the partition deed Kaaniappa gounder, S/o.Kaaniappa gounder was allotted 'D' schedule properties. The plaintiff respectfully submits that the 1st son of Kuppanda gounder viz, Kaaniappa gounder died intestate on 18.08.2005 leaving behind his only son Kaaniappa gounder as his legal heirs.

(2.3) The plaintiff respectfully submits that the 2nd son of Kuppanda gounder, namely Kaliappa gounder died intestate leaving behind his only son Kaaniappan as his legal heirs. The plaintiff respectfully submit that the 3rd son of Kuppanda gounder, namely Paianiappa gounder died intestate on 15.04.1979 leaving behind his son Kaaniappan and Muruganandham and wife Sivamani as his legal heirs. Subsequently Sivamani also died on 28.04.2022 leaving behind the sons Kaaniappan

and Muruganandham as her legal heirs. The death and legal heirs of Palaniappa gounder and Sivamani are herewith produced.

(2.4) The plaintiff submits that Paramasivam died on 12.10.2015 leaving behind wife Deivathal and daughter Kaliasammal son Kaliappan as his legal heirs. The plaintiff respectfully submits that Kaaniappan, S/o.Kaliappan died intestate unmarried and without any legal heirs. The plaintiffs submit that his father Kaliappa gounder died on 29.09.1998 and mother Deivathal died on 25.07.2017. The plaintiff submits that since the deceased Kaaniappa gounder died unmarried and without any class I legal heirs the plaintiff who are his father Kaliappan brothers sons are the class II legal heirs. The plaintiff submits that they applied for the legal heirship certificate of Kaaniappan with the defendant on 20.09.2024. The defendant on 02.10.2024 rejected the application and they have directed the plaintiffs to approach the civil court for getting the legal heirs certificate since the plaintiffs are class II legal heirs Kaaniappan. Hence the suit.

3. THE AVERMENTS IN THE WRITTEN STATEMENT FILED BY THE 2ND DEFENDANT AND ADOPTED BY THE 1ST 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 and their relationships with the deceased which has been pleaded in paragraph 3 to 9 of the plaint. The plaintiffs have to prove that Kanniyappan son of Kaliyappan, died unmarried and that he had no Class-I legalheirs. It is revealed in the enquiry of the defendants that the father of the said Kaaniyappan, namely Kaliyappa Gounder, had a sister named Nachathal. The said Nachathal is the daughter of Kuppanda Gounder. The said Nachathal and her legalheirs Krishnammal and Thirumalaisamy are not included as parties in this case. The above details have been concealed in the

case. Furthermore, the name of the deceased is Kaaniyappan, but in the death certificate dated 30.07.2018, it is recorded as Kanniyappan. The plaintiffs filed a petition with the 2nd defendant on 20.09.2024 seeking legalheirs certificate of Kaaniyappan. Their petition was dismissed on 2.10.2024 for the reasons that they are Class II legalheirs, details of legalheirs of sister not next and that the death certificate shows in the name of the deceased as Kanniappan in tamil. 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. THE AVERMENTS IN THE WRITTEN STATEMENT FILED BY THE 2ND DEFENDANT AND ADOPTED BY THE 1ST DEFENDANT IN BRIEF:

(4.1) 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. These defendants only admit that in para (3) of the statement, it is stated that one Kuppanda gounder had agricultural lands in the village of Nadukkalpalayam and that he had died as an intestate on 17.03.1994. The plaintiffs themselves have to prove the facts stated in para (4) to (9) with appropriate evidence. The 3rd and 4th defendants admit that Kaliyappan's son Kanniyappan died unmarried and that he had no Class I legalheirs. The plaintiffs have falsely stated in the suit that the only heirs of Kuppanda Gounder are 1. Kaliyappan Gounder 2. Palanikounder 3. Paramasivam. The above Kuppanda gounder also had a daughter named Nachammal. The above Nachammal is the mother of these 3rd and 4th defendants. Nachammal is the sister of deceased Kanniyappan's father Kaliyappan, who died unmarried.

(4.2) In this situation, the plaintiffs have filed this suit without including these 3,4 defendants, who are the heirs of Nachammal, the sister of Kanniyappan's father

Kaliyappa gounder, who died unmarried, as a party, claiming that they are the class II legalheirs of the deceased Kanniyappan. They have filed the suit without including these 3, 4 defendants, who are the heirs of Nachammal, the sister of Kanniyappan's father Kaliyappa gounder, who died unmarried, with the bad intention of not giving these defendants any shares in the assets of Kanniyappan, who died without heirs.

(4.3) The above-mentioned Nachammal died on 25.08.1997 leaving these 3,4 defendants as heirs. The father of these 3 and 4 defendants, Subbegounder, also died on 16.09.2002 after the death of Nachammal, the mother of these defendants. In the above suit, the plaintiffs have filed the suit without mentioning Nachammal since she is dead and without adding her heirs, the 3, 4 defendants, as parties. Therefore, the defendants pray that the court may issue a ruling that the plaintiffs are not the only Class-II heirs of the deceased Kanniyappa gounder who died on 29.07.2018 and that these 3rd and 4th defendants are also the class II heirs of the deceased Kanniyappa gounder. There is no cause of action for this suit filed by the plaintiffs. Hence these defendants pray that these 3rd and 4th defendants may also be declared as the heirs of the deceased Kanniyappa gounder.

5. Issues:

On considering the pleadings of both parties the following issues were framed on 25.06.2025.

1. Whether the suit is bad for non-joinder of necessary parties namely Nachathaal and her heirs Krishnammal and Thirumalaisamy?
2. Whether the death certificate of deceased stands in name of Kanniappan instead of Kaaniappan?
3. Whether the plaintiffs are entitled to declaration as the legalheirs of deceased Kanniappa gounder s/o. Kaliappa gounder who died on 29.07.2018?
4. To what other relief?

6. On the side of the plaintiffs, PW1 to PW3 were examined and Ex.A1 to Ex.A20 and Ex.X1 and Ex.X2 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.

7. Issues No. 1 to 3:

(7.1) The learned counsel for the plaintiffs argued that PW1 to PW3 have deposed in terms of their plaint and proved their case by exhibits Ex.A1 to Ex.A20 and Ex.X1 and Ex.X2 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. The learned counsel for the 1, 2 defendants submitted that these 3rd and 4th defendants may also be declared as the heirs of the deceased Kanniyappa Gounder.

(7.2) Both side heard. Records perused. Rival submissions considered. In the present suit, the plaintiffs claim to be legalheirs of deceased Kaaniappa gounder, S/o.Kaliappa gounder.

(7.3) Since, multiple death certificates have been filed in this suit, the dates of deaths of the persons in this suit are tabulated as below for easy reference.

S.N o.	Exhibits	Name of the deceased in death certificate	Date of death	Relationship with Kaaniappa gounder, S/o.Kaliappa gounder (as pleaded)
1	Ex.A6	Kuppanda gounder	17.03.1975	Paternal grand father
2	Ex.A8	Palaniappan	15.04.1979	Father's brother
3	Ex.A10	Kaaniappa gounder S/o.Kuppanda gounder	18.08.2005	Father's brother
4	Ex.A12	Pramasivam gounder	12.10.2015	Father's brother

5	Ex.A14	Sivamani	28.04.2022	Father's brother's wife
---	--------	----------	------------	-------------------------

(7.4) However, the death certificate of deceased Kaaniappa gounder, S/o.Kaliappa gounder has not been produced before this court. No explanation has been adduced for such non production. The defendants 1 and 2 have pleaded that there is a difference in the name in the alleged death certificate of deceased Kaaniappa gounder, S/o.Kaliappa gounder produced before them as it mentioned his name as Kanniappan in tamil. Since the plaintiffs have failed to produce the most vital document of this suit, this court is inclined to take adverse inference against the same.

(7.5) Similarly, the death certificates of father and mother of the deceased have also not been filed and no explanation has been adduced for its non production. Hence, the deaths and dates of deaths of allegedly deceased Kaaniappa gounder, S/o.Kaliappa gounder and his parents have not been proved before this court. More importantly, the date of death of allegedly deceased Kaaniappa gounder, S/o.Kaliappa gounder is not even pleaded in the plaint and in such a case, his legalheirs cannot be determined.

(7.6) Even if the deaths and dates of deaths of allegedly deceased Kaaniappa gounder, S/o.Kaliappa gounder and his parents are taken to be proved, the succession would fall upon the class II of the schedule of Hindu Succession Act as per Section 8 of the said Act. The class II legalheirs as enshrined in the said Act are extracted as follows:

“Class II

I. Father.

II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.

III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.

IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.

V. Father's father; father's mother.

VI. Father's widow; brother's widow.

VII. Father's brother; father's sister.

VIII. Mother's father; mother's mother.

IX. Mother's brother; mother's sister.

Explanation.—In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.”

(7.7) In the present suit, the plaintiffs 1 to 4 and 6 are pleaded to be children of brothers of father of deceased and 5th plaintiff is pleaded to be wife of brother of father of deceased. Similarly, defendants 3 and 4 are pleaded to be children of sister of father of deceased. However, mere reading of the aforesaid schedule would make it clear that neither the plaintiffs nor the defendants 3 and 4 are in relationship with the deceased which would make them class II legalheirs. Moreover, the plaint is silent about the existence of other class II legalheirs as enshrined in the Act namely father's mother, father's widow, mother's father; mother's mother, mother's brother and mother's sister. Hence even on this ground, there is lack of sufficient material pleadings to determine whether the plaintiffs and defendants 3 and 4 are legalheirs of allegedly deceased Kaaniappa gounder, S/o.Kaliappa gounder.

(7.8) In cumulative consideration of the aforesaid discussion, this court is of the considered view that this suit lacks even the basic of material pleadings and hence the legalheirs of allegedly deceased Kaaniappa gounder, S/o.Kaliappa gounder cannot be determined. Hence the plaintiffs are not entitled to declaration as prayed for. Hence this issue is decided against the plaintiffs.

8. Issue No.4

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** without 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 06th day of March 2026.

**ADDITIONAL DISTRICT MUNSIF,
POLLACHI**

Plaintiff side Witness:

PW1 – Kaaniappan (1st Plaintiff)

PW2 - P.Kaliappan, S/o.Paramasivam

PW3 - Selvaraj S/o.Natarajan Chettiar

Plaintiff side Documents:

Doc. No	Date	Name of Documents	Nature
Ex.A1/PW1	01.08.1986	Partition deed (Doc.No.1775/1986)	Certified copy
Ex.A2/PW1	15.04.1976	Decree and Judgment in O.S.No.220/2009	Certified copy
Ex.A3/PW1	01.06.2022	Legalheir certificate of Sivamani	Online copy
Ex.A4/PW1	20.09.2024	Online application given by plaintiff	Online copy
Ex.A5/PW1	03.10.2024	Refusal Order of the defendant	Online copy
Ex.A6/PW1	16.02.1990	Death certificate of Kuppanna gounder	Original
Ex.A7/PW1	22.02.1990	Legalheir certificate of Kuppanna gounder	Original
Ex.A8/PW1	25.08.2025	Death certificate of Palaniappan	Original
Ex.A9/PW1	07.10.2025	Legalheir certificate of Palaniappan	Online copy
Ex.A10/PW1	16.04.2009	Death certificate of Kaaniappan	Original

Ex.A11/PW1	06.01.2009	Legalheir certificate of Kaaniappan	Certified copy
Ex.A12/PW1	03.11.2015	Death certificate of Paramasivam	Original
Ex.A13/PW1	04.12.2015	Legalheir certificate of Paramasivam	Original
Ex.A14/PW1	29.07.2025	Death certificate of Sivamani	Online copy
Ex.A15/PW1	01.06.2022	Legalheir certificate of Sivamani	Online copy
Ex.A16/PW2	-	Aadhaar card of PW2	Compared with original

Defendants side Witnesses and Exhibits: Nil

Third party documents:

Doc. No	Date	Name of Documents	Nature
Ex.X1/ PW3	-	Aadhaar card of PW3	Compared with original

**ADDITIONAL DISTRICT MUNSIF,
POLLACHI**

Fair/Draft Judgment

O.S.No.248/2024

Dated: 06.03.2026

Additional District Munsif Court,
Pollachi
