

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PALLAVARAM**

**PRESENT: Thiru.C.P.MULLAI VANAN, B.A.B.L.(Hon's),**  
District Munsif cum Judicial Magistrate, Pallavaram

**Monday, 01<sup>st</sup> day of June 2026**

**OS No: 969/2023**

**CNR.No:TNCG10-005747-2023**

1. Narasammal
2. Ramesh
3. Kumar
4. Parthiban
5. Kamatchi

--- Plaintiffs

-Versus-

- 1) The Tahsildar,  
Pallavaram Taluk Office, Tambaram, Chennai 600 045
- 2) The Revenue Divisional Officer,  
Tambaram, Chennai 600 045.
- 3) The District Collector,  
Chengalpet Collectrate Office, Chengalpet District.

--- Defendants

This suit came up for final hearing on 04.03.2026 in the presence of advocate M/s.V. Ravisankar, counsel appearing for Plaintiff and Tr.D. Rajaraman, Government Pleader for the 1 to 3 defendants and they are set exparte for non filing of written statement on 12.06.2024. Upon perusing the entire case records, on hearing plaintiff side arguments and having stood over for consideration till this date, this court delivers the following:-

## **JUDGMENT**

1. Suit filed by the plaintiffs seeking for the relief of declaration declaring unhearness of V. Munusamy since from 23.09.2012 shall be constructed as civil death for the purposes without any impediment in legal and factual aspects and for costs.

### **2) BRIEF AVERMENTS OF THE PLAINT IS AS FOLLOWS:-**

2.1). The plaintiff submitted that the all that piece and parcel of land to an extent of 35 cents comprised in Chengalpet District belongs to V. Munusamy and he was survey No.414/2 of Vembedu Village, Chengalpet Taluk, issued revenue patta bearing no.377 by the first defendant.

2.2) The plaintiffs submit that the first plaintiff is the wife of V.Munusamy and plaintiffs 2 to 5 are his sons, and the fifth plaintiff is his daughter. The plaintiffs submit that V.Muhusamy, who was over 60 years of age and lived with the plaintiffs and during his life time, on 23.09.2012, said V.Munusamy went out of the house as usual at about 5:00 a.m. and did not return to have breakfast or even come for lunch. The plaintiffs searched all over their area all night.

2.3) The plaintiffs submit that next day the plaintiffs went to their relatives' houses and looked for him and the plaintiffs made a detailed search but could not find out not find out V. Munusamy, ence, the second plaintiff made a police complaint before the Inspector of Police, 8-12, Chitlappakkam Police station on 28.09.2012 and the complaint was registered Prs in Crime No. 1749 of 2012 under the man missing, but a non-traceable certificate was not issued to the plaintiffs by the police authority despite repeated demands made by the plaintiffs.

2.4) The plaintiffs submit that they are the real legal heirs of the V.Munusamy according to law and decided to dispose of his 35 cent property, but they are not able to do so without V. Munusamy, who was missing. Hence, the plaintiffs are advised to get a declaration for declaring CIVIL DEATH OF V.MUNUSAMY. Therefore, the plaintiffs are left with no other remedy except to approach this court by filing the present suit for declaration. The plaintiffs submit that they could not serve statutory notice under Section 80 (1) of C.P.C. to the defendants. Therefore, they are filing the petition under Section 80 (2) of C.P.C along with the plaint praying for. granting leave to institute the suit dispensing with the statutory notice to the defendants.

2.5) The plaintiffs submit that they have not heard of V. Munusamy till this date from 23.09.2012 and he was not found by the plaintiffs for a continuous period of more than 7 years. The plaintiffs are the people who have naturally heard of V. Munusamy if he is alive. The plaintiffs submit that the law presumes that if a person is not heard of for seven years, the presumption is that he has died, and accordingly, V.Munusamy had not been heard of from 23.09.2012 till this date. It may be presumed that the death of Munusamy occurred between September, 2012 and August 2019. The hon'ble court may be declared accordingly. Hence, the plaintiffs pray for a declaration of presumption of the death of V.Munusamy in this suit.

2.6) The plaintiffs submit, that first and second defendant is the revenue authorities and they are authorized persons to enquire about the disappearance and death of said V.Munusamy. The third defendant is the higher authority hence, as per the requirement of law, the defendants 1 to 3 are added as a proper and necessary parties in the suit. Hence, this suit.

3) In this suit, the 1 to 3 defendants are called absent set exparte for non filing of written statement on 12.06.2024.

**4) Exparte Evidence:**

On the side of plaintiffs, the Plaintiff Tmt.N. Narasammal, was examined as PW1 and through him Exhibits A1 to A10 were marked. On the side of the defendants no witnesses were examined and no exhibits were marked. Plaintiff side written argument filed and perused records.

5) Plaintiff side arguments heard. Records perused.

**6) Points For Determination:**

(i) Whether the plaintiff is entitled to the reliefs as prayed for ?

7) The case of the plaintiffs are that the father of 2 to 5 plaintiffs and husband of 1<sup>st</sup> plaintiff namely Munusamy went out from his house on 23.09.2012 and thereafter not returned to the home and the 2<sup>nd</sup> plaintiff lodged a complaint before the Chitalapakkam Police Station on 28.09.2012 and FIR was registered in Cr.No.1749/2012 and not traced the said Munusamy. Therefore, the said Munusamy was not heard for more than 7 years and it may presumed that the said Munusamy has attained civil death. Therefore, the plaintiff filed the above suit for the relief of declaration to declare the said Munusamy as Civil death. Hence this suit.

8) In this case, the plaintiff Tmt.N. Narasammal,, was examined herself as PW1 and deposed to the plaint averments and exhibits Ex.A1 to A10 were marked on the side of the plaintiff. Ex.A1 which is the original patta dated 09.02.2011, Ex.A2 which is the photo copy of Aadhar Card of Narasammal (compared with original), Ex.A3 which is the photo copy of Aadhar Card of 2<sup>nd</sup> plaintiff (compared with original), Ex.A4 which is the photo copy of Aadhar Card of 3<sup>rd</sup> plaintiff (compared with original), Ex.A5 which is the photo copy of Aadhar Card of 4<sup>th</sup> plaintiff (compared with original), Ex.A6 which is the photo copy of Aadhar Card of 5<sup>th</sup> plaintiff (compared with original), Ex.A7 which is the phot copy of family card, Ex.A8 which is the original photo, Ex.A9 which is

the paper publication of V. Munusamy, Ex.A10 which is the photo copy of FIR copy.

9) On the perusal of Ex.A10 shows that the 2<sup>nd</sup> plaintiff has lodged a complaint before the Chitalapakkam police station with regard to missing of his father namely Munusamy from 23.09.2012 onwards and Ex.A2 to Ex.A7 shows that 1<sup>st</sup> plaintiff is the wife of Munusamy and 2 to 5 plaintiffs are the sons and daughters of Munusamy. As the plaintiffs are claiming that the said Munusamy was missing from 23.09.2012 onwards for more than 7 years and the exhibits Ex.A1 to Ex.A10 and the testimony of PW1 are clearly proved that the said Munusamy was not heard for more than 7 years as he was missing from 23.09.2012 onwards.

10) In this case even though the defendants were appeared and not filed written statement for the plaint which shows that the defendants have no objection to the plaintiff's case and the defendants were also not turned up to cross examine the plaintiff side witness in order to disprove the plaintiff case. Since the defendants were not filed any written statement and not cross examined the plaintiff side witness and the defendants were also failed to rebut the evidence adduced by the plaintiff side clearly shows that the plaintiff has proved his case.

11) As per **section 107 of Indian evidence Act** if a person to be declared as civil dead, he must be not heard for past seven years, as he is being alive as said by any person, on that score the plaintiff has issued paper publication and the complainant, registering of FIR filed before this court and there is no person before this court to state Tr.Munusamy is alive till now. Hence, it is proved that Tr.Munusamy has not been heard from 23.09.2012 for more than 11 years. Hence under **section 107 Indian**

**Evidence Act**, no person claims that Tr.Munusamy has not been heard as alive for past 11 years.

12). Hence, the burden on the side of the defendants who denies that the said Tr.Munusamy has been heard as alive. The defendants has not produced any oral or documentary evidence to rebut the presumption u/s 107 of Indian evidence Act. Hence, this court finds the Tr.Munusamy has not been heard from past 11 years he is to be declared as Civilly dead as on date of filing of the suit. Hence, this court finds the Tr.Munusamy has not been heard for past 11 years, he is to be declared as civilly dead as on date of filling of the suit. From the above discussion, this court comes to the conclusion that the plaintiff has proved the cause of action. In the above circumstances, this court is inclined to grant the relief of as prayed by the plaintiff as against the defendants.

13) In the result, this suit is allowed and decreed as follows:-

a) it is hereby declared that that Tr.Munusamy is civilly dead, on the date of filing of this suit on 23.09.2012, who is found missing for past 11 years.

b) Considering the fact and circumstances of the case the plaintiff is directed to bear their own costs.

Dictated to the steno - typist and directly typed by him in computer and corrected and pronounced by me in the open court on this the 01<sup>st</sup> June 2026.

District Munsif cum,  
Judicial Magistrate,  
Pallavaram.

**I) PLAINTIFFS SIDE WITNESSES:**

S.No	Witness No.	Name
1	PW1	Tmt.Narasammal

**II) PLAINTIFFS SIDE EXHIBITS:**

S.No.	Exhibit	Date	Documents	Remarks
1.	Ex.A1	09.02.2011	Patta in favaour of plaintiffs	Original
2.	Ex.A2		Aadhar Card of Narasammal (compared with original),	Photo copy
3.	Ex.A3		Adhar Card of 2 <sup>nd</sup> plaintiff (compared with original),	Photo copy
4.	Ex.A 4		Aadhar Card of 3 <sup>rd</sup> plaintiff (compared with original),	Photo copy
5.	Ex.A5		Aadhar Card of 4 <sup>th</sup> plaintiff (compared with original),	Photo copy
6.	Ex.A6		Aadhar Card of 5 <sup>th</sup> plaintiff (compared with original),	Photo copy
7.	Ex.A7		Family card	Photo Copy
8.	Ex.A8		Photo	Original
9.	Ex.A9	09.09.2023	Paper publication	Original
10	Ex.A10	28.09.2022	First Information Report in Cr.No.1749/2012	True copy

**IV) DEFENDANTS SIDE WITNESS AND EXHIBITS: NIL**

**Sd/Tr.Mullaivanan,**  
District Munsif cum  
Judicial Magistrate  
Pallavaram.

// True Copy //

District Munsif cum Judicial Magistrate  
Pallavaram.

<p style="text-align: center;"><b><u>DM CUM JM, PALLAVARAM</u></b></p> <p><b><u>Da Dated.01.06.2026.</u></b></p> <p><b><u>O O.S.No.969/2023</u></b></p> <p style="text-align: center;"><b><u>Judgment Pronounced in open court</u></b></p> <p>In the result, this suit is allowed and decreed as follows:-</p> <p style="padding-left: 40px;">a) it is hereby declared that that Tr.Munusamy is civilly dead, on the date of filing of this suit on 23.09.2012, who is found missing for past 11 years.</p> <p style="padding-left: 40px;">b) Considering the fact and circumstances of the case the plaintiff is directed to bear their own costs. Detailed judgment vide in separate sheet.</p> <p style="text-align: center;">DM cum JM PVM</p>	
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