

THE COURT OF DISTRICT MUNSIF, SRIPERUMBUDUR
PRESENT: TR. P. JAGADEESWARAN BA.,BL.,
DISTRICT MUNSIF, SRIPERUMBUDUR

On Monday, the 16th day of March 2026.

O.S.No. 241 of 2024

1. Ellammal

2. Jeevarathinam

...Plaintiffs

//Versus//

1. The Tahsildhar, Kundrathur Taluk

2. The District Collector, Kancheepuram District.

3. The Revenue Inspector, Padappai Firka.

4. The Village Administrative Officer, Padappai Village

... Defendants

This suit has come up on 02.03.2026 for final hearing before me in the presence of M/s.R.Ventaramani, Learned Counsel for the Plaintiffs and M/s.M.B.Velmurugan, Learned counsel of the defendants and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

JUDGMENT

1. This suit is filed seeking for declaring the Manicka Achari is the grandfather of the 1st Plaintiff and Great Grandfather of the 2nd Plaintiff is the

Class II legal heir of the deceased Chinnasamy Achari and to direct the 1st defendant to issue Class II legal heirship certificate to the Plaintiffs and for costs.

2. CONCISE STATEMENT OF THE PLAINTIFF AS PER THE PLAINT:

The Plaintiffs submit that the suit properties was originally belonged to Manicka Achari, who was in possession and enjoyment as the absolute owner at serapanachery Village. Manicka Achari died on 26.12.1940 leaving behind his wife Kuppammal and son Kumarasamy Achari. Subsequently, Kuppammal died on 26.02.1951 and Kumarasamy Achari died on 28.09.1963 leaving his wife Pappathiammal son, munusamy Achari and daughter Ellammal (1st plaintiff). Papathiammal died on 04.08.1982 and Munusamy Achari died on 26.11.1972 leaving his wife Jagadambal and daughter Jeevarathinam(2nd Plaintiff). Jagadambal also died on 10.05.1980 and thus the plaintiffs are the surviving legal heirs in the said lineage. The brother of Manick Achari, Chinnasamy Achari, died on 19.12.1946 and both his wives Thirupursundari Ammal and Rukumani Ammal also died without any issues. As chinnasamy Achari died issueless and without Class I legal heirs, the plaintiffs being Class II legal heirs, are entitled to succeed to his estate. The Plaintiffs obtained legal heir certificates of their predecessors and applied to the Tahsildar, Kundrathur Taluk, for the legal heir certificate of Chinnsamy Achari. The Tahsildar refused to issue the certificate due to the long lapse of time and directed the plaintiffs to approach the civil court for declaration. Hence, the plaintiffs have filed the present suit

seeking declaration that they are the Class II legal heirs of Chinnasamy Achari and for direction to issue the legal heir certificate.

3. CONCISE STATEMENT OF THE DEFENDANT AS PER THE WRITTEN STATEMENT:

The 1st defendant submits that he denies that the 1st plaintiff who is Grand daughter of deceased Chinnasamy Aachari and the 2nd Plaintiff is Great Grand daughter of deceased Chinnasamy Aachari are the class II legal heirs of Chinnasamy Aachari and the same is put to strict proof of the facts narrated by them. According to Hindu Succession Act the Grand daughter and Great Grand daughter are not legal heirs claiming through deceased brother, as such this suit claim is not maintainable in the eye of law. That the relief claimed by the plaintiffs in this suit is not maintainable and these plaintiffs are not entitled to claim legal heirship certificate of deceased Chinnsamy Aachari according to Hindu Succession Act. That there are no supportive documents filed by the plaintiff to prove that plaint averments, further the plaintiffs have not provided all required particulars about their family, the Plaintiffs suppressed many material facts and approached this Hon'ble court with unclean hands, further this plaint is filed with insufficient data. That there is no cause of action for filing this suit and the suit prayer and list of documents all ar unsustainable in the eye of law. Hence it is prayed that this Hon'ble court may be pleased to dismiss the suit with exemplary cost.

4. ISSUES :

(i) Whether the Plaintiffs prove that they are the Class II legal heirs of the deceased Chinnasamy Achari ?

(ii) Whether the Plaintiffs are entitled to the relief of declaration declaring that the plaintiffs are the Class II legal heirs of the deceased Chinnasamy Achari ?

(iii) Whether the Plaintiffs are entitled to the relief of mandatory injunction directing the 1st defendant to issue legal heirs certificate to the Plaintiffs as the Class II legal heirs of the deceased Chinnasamy Achari ?

(iv) To what other relief/reliefs the parties are entitled ?

5. DISCUSSIONS AND REASONING :

Case of the Plaintiff – The plaintiff filed the suit for issuance legal heir certificate to the plaintiffs. As per genealogy chart mentioned in the plaint all the legal heirs of deceased Manick Achari died and all death certificates filed herewith and marked as Exhibits A1 to A6. The remaining legal heirs are plaintiffs 1 & 2 are inherited the ancestor property and they are in joint possession and enjoyment of the said property. Further the plaintiffs 1 & 2 are obtained Aadhaar Cards, Pan Cards and Family cards stand in their name and same is marked as Exhibits All to A17. Now the plaintiffs are the only remaining legal heirs and successors. The applied for Legal Heir Certificate to the Tahsildhar, Kundrathur so as to mutation of revenue of records stands in the name late Manicka Achari in the name of plaintiffs document marked as Exhibit-A7 to A9. The Thasildhar enquired the matter, on the basis of findings of the Revenue

Inspector of Kundrathur Taluk that the 1st plaintiff's Grandfather and 2nd plaintiff's Great grandfather Manicka Achari died in the year 1940, hence the plaintiffs applied the legal heir certificate after prolong period and the refusal Letter marked as Exhibit-A10, Further the said Manicka Achari died very long back and before birth of the plaintiff and the family members deceased Manicka Achari is not aware of the legal heir certificate and its importance, necessary further they uneducated and ignorance they have not obtained legal heir certificate, hence the plaintiffs could not get the legal heir certificate of deceased Manicka Achari, in time. Now only the plaintiffs came know the all the above facts. Therefore they applied the legal heir Certificate hence the delay is neither willful nor wanton only due to the above circumstances. The 1st defendant has refused to issue the Legal Heir Certificate to the plaintiffs and further 1st defendant direct the plaintiffs to approach Aynavaram Taluk for the issuance of legal heir certificate, since the plaintiffs are residing in Perumbur, hence they are added as Party to the suit as defendants 3 & 4 and they refused to issue the legal heir certificate to the plaintiffs due to lack of jurisdiction. The 1st plaintiff examined as chief and cross examined by the 1st and 2nd defendants counsel raised issue whether the plaintiff is eligible to get legal heir certificate and further contended that they have to seeking relief alternately filing the suit. Further the 1st and 2nd defendants Counsel admitted all facts in the plaintiff and his only objection is filing of the suit in the present format.

6. On contra the defendant strongly objects that plaintiff will no come under the

second class legal heirs as per Hindu Succession Act. Since they are not the direct Grand Daughter of the deceased Chinna Achari. Hence this suit is liable to be dismissed.

7. Answer to Issue No. I,II :

Upon perusal of the Ex's filed plaintiff. Ex.A1 is the death certificate of Manika Achari. Ex. A2 is the death certificate of TripuraSunadri. Ex.A3 is the Death certificate of Chinna Achari. Ex.A4 is the death certificate of Kuppammal. Ex. A5 is the death certificate of Kumarasamy Achari. Ex.A6 is the death certificate of Rukumaniammal. Ex.A7 is the death certificate of Papathiammal. Ex.A8 is the death certificate of Munusamy Achari. Ex. A9 is the death certificate of Jagathammal. Ex.A10 is the legal heir certificate for demised Munusamy Achari. Ex.A11 is the legal heir certificate for demised Kumarasamy Achari. Ex.A12 is the death certificate of demised Manika Achari. Ex.A13 is the petition given to the 1st defendant by the plaintiff. Ex.A14 is the genealogy tree. Ex.A15 is the family card. Ex.A16 is the 1st plaintiff aadhaar card. Ex.A17 is the 2nd plaintiff Aadhaar card.

8. From the Ex's filed by the plaintiff it is very clear for deceased Chinna Achari it is proved that 1st class legal heirs was not at all available to Chinna Achari. Even though Chinna Achari married 2 wives both of them were died issueless. 1st plaintiff herein is the grand daughter of Manika Achari and the 2nd plaintiff is the great grand daughter of Manika Achari. Chinna Achari is the brother of above said Manika Achari. Therefore this court takes the judicial

notice of Hindu Succession act and **Section 15, 16 & Schedule Class II in Hindu Succession Act, 1956** to be follows: As per **Schedule 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.*

9. From the above provision & schedule of Hindu succession act - the plaintiff herein does not fall within the legal requirements because the *class 2 – IV provides only for IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.*

10. From the above captions 1st plaintiff father alone entitled to claim the class 2 legal heirs. The plaintiff does not come forward before this court to show why his father does not apply any legal heirs certificate for Chinnasamy Naicker

plaintiff pleadings in cause of action reveals that due to ignorance of law plaintiffs father failed to obtain legal heir certificate in time. Ignorance of law could not be acceptable by this court, since it is well settled law that ignorance of law is not permissible in addition to there is no statute for the plaintiff to claim 2nd class legal heirs for great grand father and grand father. Hence for the discussion above the Issue No. I,II are answered against the plaintiff.

11. Answer to Issue No. III : Since the answer to issue no. I & II are answered against the plaintiff. This court refused to direct the 1st defendant to issue legal heirs certificate to the Plaintiffs as the Class II legal heirs of the deceased Chinnasamy Achari. Hence issue no. 3 also answered against the plaintiff.

12. RESULT :

In the result this suit is dismissed. No costs.

Dictated to the steno typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 16th day March 2026.

(Sd/-Jagadeeswaran.P)
**DISTRICT MUNSIF,
SRIPERUMBUDUR.**

Plaintiff's side Witness:

PW1 – Ellammal (1st Plaintiff)

Plaintiff's side Exhibits:

Ex.A1	30.06.2016	Death certificate of Manika Achari	Verified with true copy
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Ex.A2	03.01.2024	Death certificate of Thiripura Sundari	Verified with Original
Ex.A3	15.09.2023	Death certificate of Chinnasamy Achari	Verified with original
Ex.A4	16.02.2023	Death certificate of Kuppuammal	Verified with original
Ex.A5	04.05.2018	Death certificate of Kumarasamy	Verified with true copy
Ex.A6	15.09.2023	Death certificate of Rukumani ammam	Verified with original
Ex.A7	13.06.2023	Death certificate of Papathiammal	Web copy
Ex.A8	30.12.2023	Death certificate of Munusamy Achari	Web copy
Ex.A9	03.10.2023	Death certificate Jagadammal	Web copy
Ex.A10	24.05.2024	Legal heirship certificate of Munusamy Achari	Web copy
Ex.A11	07.06.2024	Legal heirship certificate of Kumarasamy Achari	Web copy
Ex.A12	29.09.2024	Legal heirship certificate of Manicka Achari	Web copy
Ex.A13	03.10.2024	Request letter given to 1 st defendant to issue legal heirship certificate	Web copy
Ex.A14		Genelogy tree of Chinna samy	

		Achari	
Ex.A15		Ration /smart card of 1 st plaintiff	Verified with Original
Ex.A16		Aadhar card of 1 st plaintiff	Verified with Original
Ex.A17		Aadhar card of 2 nd plaintiff	Verified with Original

Defendant's Side Witness & Exhibits: Nil

(Sd/-.Jagadeeswaran.P)
**DISTRICT MUNSIF,
SRIPERUMBUDUR.**