

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Friday, the 27th day of March 2026

O.S.No. 164/2012 and 102/2024

O.S.No.164/2012

- 1) Arunachalam (died)
- 2) Kanniammal
- 3) Mohandhas
- 4) Selvam

2 to 4 Plaintiffs are impleaded as per order in I.A.8/2024, dated 02.09.2024

.....Plaintiffs

/Vs/

- 1) Pappathi @ Muthulakshmi (**died**)
- 2) Sirumbayee
- 3) Umamaheswari
- 4) Elavarasan
- 5) Senthil
- 6) The Thasildar, Kulithalai
- 7) The Revenue Divisional Officer, Kulithalai
- 8) The State of Tamil Nadu represented by the District Collector, Karur
- 9) Vellaisamy
- 10) Manickam
- 11) P.Palanisamy
- 12) Nehru
- 13) Balasubramanian
- 14) Valliyammal
- 15) Vimala
- 16) Maheswari

(The Defendants no. 9 to 16 are impleaded as per order in I.A.No. 407/2014 dated 17.12.2014)

(Amended as per order in I.A.No. 555 of 2015 dated 21.01.2016)

17) Rengaraj

18) Chinnadurai

19) Chinnamani **(died)** **(Amended as per the direction of this Court, dated 27.03.2026)**

(The Defendant No. 17 to 19 are impleaded as per order in I.A.No. 1011/2017, dated 31.01.2018)

.....Defendants

This suit in O.S.No.164/2012 came up on 03.03.2026 for final hearing before this Court, in the presence of Mr. A.Jaffar Shat, the Learned Counsel appearing for the Plaintiffs and Defendant No.1 died, Defendants no. 2 to 5 called absent and set exparte and in the presence of the Governement Pleader Mr.K.S.M.Sakhul Hameed, the Learned Counsel appearing for the Defendants No. 6 to 8 and in the presence of Mr. K.Prabhakaran, the Learned Counsel appearing for the Defendants No.9,10,11,13,15 and in the presence of Mr.R.Maruthamuthu, the Learned Counsel appearing for the Defendants No.12,14,16 and in the presence of Mr.M.S.Imrankhan, the Learned Counsel appearing for the Defendants No.17 to 19.

O.S.No.102/2024

1) Vellaisamy

2) Manickam

....Plaintiffs

-Vs-

1) The State of Tamilnadu represented by the District Collector, Karur

2) The Revenue Divisional Officer, Kulithlai

3) The Tahsildar, Kulithalai

4) Kanniammal

5) Mohandhas

6) Selvam

7) Rengaraj

8) Chinnadurai

9) Chinnamani (died)

.....Defendants

Amended as per the direction of this Court dated 27.03.2026

(The Defendants No. 7 to 9 are impleaded as per order in I.A.No.1/2025 dated 26.02.2025)

(Amended as per order in I.A.no.2/2025 dated 17.03.2025)

This suit in O.S.No. 102/2024 came up on 03.03.2026 for final hearing before this Court, in the presence of Mr. K.Prabhakaran, the Learned Counsel appearing for the Plaintiffs and in the presence of the Government Pleader Mr.K.S.M.Sakhul Hameed, the Learned Counsel appearing for the Defendants No. 1 to 3 and in the presence of Mr. A.Jaffar Shar, the Learned Counsel appearing for the Defendants No.4 to 9.

Upon hearing the arguments on both sides in the both suits and having stood over for consideration till this day, this court delivers the following:

Common Judgment

The suit in O.S.No.164/2012 has been filed by the 1st Plaintiff for the relief of declaration of title of the 1st Plaintiff and the 1st Defendant over the suit property and for the consequential relief of Permanent Injunction restraining the Defendants No. 2 to 5 from interfering with the peaceful possession and enjoyment of the 1st Plaintiff over the suit property. Also, for the relief of Permanent Injunction restraining the Defendants No.2 to 5 from alienating the suit property and also for the relief of Mandatory Injunction directing the Defendants No. 6 and 7 to cancel the patta for the suit property in Pattas No.802, 337, 1996 and 1197 of Thogaimalai Village, Kalugur

Village, Kulithalai Taluk issued in favour of the Defendants No. 2 to 4 thereby directing to issue joint Patta for the suit property in favour of the 1st Plaintiff and the 1st Defendant.

2) The suit in O.S.No. 102/2024 has been filed by the Plaintiffs therein for the relief of declaration that the Plaintiffs are the legal heirs of the deceased Rajamani, W/o.Late Manickam who resided at Puthu Kallupatti, Thogaimalai Village, Kulithalai Taluk, Karur District and for Mandatory Injunction directing the Defendants No. 1 to 3 to issue Legal Heir Certificate to the Plaintiff for the deceased Rajamani. The Defendants No. 4 to 6 in this suit have filed a counter claim against the Plaintiffs for the relief of the declaration of legal status of these Defendants as the legal heirs of the deceased Rajamani and for the relief of the Mandatory Injunction directing the revenue officials to issue these Defendants the Legal Heir Certificate of the deceased Rajamani.

3) Despite sufficient opportunities given, the 1st Defendant in O.S.No.164/2012 had not filed written statement. She was called absent and hence set exparte by this Court during the intial stage of the suit. It is also seen that despite the Defendants No. 2 to 5 were appeared through a counsel and filed written statement, despite sufficient opportunities given, they have not turned up for the cross of PW1 and therefore, the Defendants No. 2 , 3 and 5 were set exparte by this Court at the outset. It is also seen that the 4th Defendant was then a minor and a court guardian was appointed for the 4th Defendant by this Court. Subsequently, when the 4th Defendant attained majority and the same was declared by this Court and the guardian appointed for the 4th Defendant was also discharged by this Court. However, after the same, despite receiving the summons from this Court after attaining majority, the 4th Defendant did not turn up to contest this suit and hence, he was set exparte by this Court subsequently.

O.S.No.164/2012:**Brief averments in the amended plaint:**

4) The 1st Plaintiff filed this suit for declaration that the suit property absolutely belongs to the 1st Plaintiff and the 1st Defendant and for the relief of consequential relief of Permanent Injunction against the Defendants No. 2 to 5 from encumbering the suit property and for Mandatory Injunction directing the Defendants No. 6 to 8 to cancel the Patta in respect the suit property issued in the name of the Defendants No. 2 to 4. One Palanimuthu Goundar and his wife Palaniyammal got four sons namely, Nallusamy, Kanthasamy, Karupppannan and Manickam. The said Palanimuthu Goundar died around 70 years ago and his wife died around 35 years ago. The sons of Palanimuthu goundar namely Nallusamy died 40 years ago, Kanthasamy died 20 years ago, Karupppannan died 18 years ago and the said Manickam died 25 years ago leaving behind his wife Rasamani alone as his legal heirs.

5) The item no.1 to 7 of the suit property originally belonged to Rasamani absolutely through a will dated 06.01.1993 executed by her mother Nallammal in her favour. After the death of Nallammal, the above said will came into effect and Rasamani had been in the absolute and exclusive possession and enjoyment over the item no.1 to 7 of the suit property. Rajamani got item no.8 to 10 of the suit property being the legal heiress of her husband which was the ancestral property of her husband got by him in the family partition. Being so, Rasamani had sold some of the property got by her through the will, by way of a sale deed dated 20.07.2011.

6) While so, Rasamani has no direct male or female heir. The Rasamani's husband, father, mother and husband's brother are no more and all died before her demise. The 1st Plaintiff is the son of Nallusamy, who is the elder brother of Rasamani's husband. The 1st Defendant is the sister of the 1st Plaintiff. Therefore, the said Rasamani is the aunt of the 1st Plaintiff and the 1st Defendant.

- 7) The 1st Plaintiff's father Nallusamy got sons namely one Kulanthaivel and 1st Plaintiff who are his male legal heirs. The 1st Defendant is the daughter of Nallusamy and she was given marriage while her father was alive, by spending huge amount and Stridhana to her and she is residing with her husband in A.Nadupatti Village.
- 8) There are no direct legal heirs for Rasamani except the 1st Plaintiff and the 1st Defendant, who are the son and daughter of her husband's eldest brother Nallusamy. Rajamani was under the care and protection of the 1st Plaintiff by living with the 1st Plaintiff. While so, Rasamani died on 12.05.2012 leaving behind the 1st Plaintiff and the 1st Defendant as her legal heirs. The 1st Plaintiff being her legal heir has done all the last rites and rituals to the deceased Rasamani.
- 9) After the demise of Rasamani, the property belonged to her devolved upon the 1st Plaintiff and the 1st Defendant, the 1st Plaintiff took possession of the property of Rasamani as family manager of joint family consisting of the 1st Plaintiff and the 1st Defendant. The 1st Plaintiff has been in the possession and enjoyment of the suit property as family manager. As per Class-II of Hindu Succession Act, the 1st Plaintiff and the 1st Defendant are the legal heirs of the Rasamani, who are the son and daughter of her husband's elder brother as such the 1st Plaintiff and the 1st Defendant are entitled to 1/2 share each in the suit property.
- 10) The Defendants No. 2 to 4 are total strangers to the suit property. The Defendants No. 3 and 4 are the children of Defendant No. 2 The 5th Defendant is the brother of the husband of the 2nd Defendant. The Defendants No. 2 to 5 are colluding together and with a view to grab the suit property left by Rasamani, the Defendants No. 2 to 5 attempted to create some forged documents and got patta for the suit property from the revenue department in their names and also attempting to include their names in the ration card of Rasamani. Therefore, the 1st Plaintiff approached the Taluk Supply Officer, Kulithalai and has given a petition seeking to cancel the said

ration card and the ration card was cancelled after due enquiry and intimation was served to the 1st Plaintiff.

11) The 1st Defendant has fraudulently attempted to get change of patta and also the legal heir certificate of deceased Rasamani. Hence, the Plaintiff has given a petition on 25.06.2010 to the District Collector, Karur stating that patta should not be changed in any one name and not to grant legal heir certificate. Immediately after the above said petition, the 1st Plaintiff has issued a legal notice dated 28.06.2012 to the Thasildar, Kulithalai, The Inspector Thogaimalai, The VAO Kalukur, The President of Thogaimalai Panchayat, The Assistant Engineer, TNEB, Thogaimalai and to the 5th Defendant. Since, the details were wrongly given by the 1st Plaintiff in the above notice, a rectification notice was also sent again stating correct relationship and correct description of property, on 30.06.2012.

12) After the said notice, the 5th Defendant had issued a reply notice dated 11.07.2012 to the 1st Plaintiff. The allegations in the reply notice are all false and denied. The allegations in the reply notice that Rasamani adopted Nallusamy, who is the father of the Defendants No. 3 and 4 and after the demise of Nallusamy, Rasamani executed a will dated 20.01.2012 in favour of his legal heirs and on the basis of the said will, the patta for the suit property was transferred to those persons, since, the Plaintiff and the some other persons attempted to interfered with the possession and enjoyment of the suit property, the Defendants No. 2 to 4 have filed a suit in O.S.No.115/2012 before the District Munsif Court, Kulithalai against the 1st Plaintiff and to other persons for the relief of Permanent Injunction are all false and denied.

13) The deceased Rasamani had never adopted the said Nallusamy, who is the father of the Defendants No. 3 and 4 and till her death no document was executed by Rasamani. The alleged Will is the forged one. After receipt of summons in the suit in O.S.No.115/2012, the 1st Plaintiff herein had appeared through counsel on

18.07.2012 and the 1st Plaintiff had come to know that the Defendants No. 2 to 5 herein have fraudulently created a forged Will and on that basis managed the revenue department to transfer patta in their name. The revenue department without conducting any proper enquiry had transferred patta in the name of the Defendants No. 2 to 4. The said Patta is invalid and void.

14) The 1st Plaintiff had asked the 1st Defendant to come and divide the suit property into equal shares and possession of half share separately, the 1st Defendant was giving lame excuses and hence not come for the same. The 1st Defendant is acting against the 1st Plaintiff by colluding with the Defendants No. 2 to 5, as the 1st Defendant had not come forwarded to file this suit, the 1st Defendant is hereby added in this suit as Defendant for proper, final and binding adjudication.

15) With the help of revenue records, the Defendants No. 2 to 5 are attempting to alinate the suit property. In fact, on 23.07.2012 the Defendants No. 2 to 5 along with their men attempted to interfere with the 1st Plaintiff's peaceful possession and enjoyment over the suit property as family manager and the 1st Plaintiff had prevented the same with great difficulty. The act of the Defendants No. 2 to 5 is illegal unlawful and high handed. Unless the Defendants No. 2 to 5 are restrained by the decree of Permanent Injunction, the 1st Plaintiff will be put to much loss and hardships. Hence, this suit.

16) During the pendency of the suit, the Defendants No. 9 and 10 by joining together fraudulently representing themselves as the sons of eldest brother of the said Rasamani with the help of Thogaimalai VAO and other persons and then got legal heir certificate from the Tahsildar, Kulithalai and on the basis of the said fraudulent legal heir certificate, they have fraudulently got patta transferred in respect of the Item No. 1 to 8 of the suit property in Patta No. 337, 1618, 1196, Natham Patta No. 877 and Patta No. 1197.

17) Immediately after the same, the 1st Plaintiff has filed a petition before the RDO, Kulithalai about the fraudulent issuance of Legal Heir Certificate of Rasamani by the Tahsildar, Kulithalai and about the Patta transfer in favour of Defendants No. 9 and 10 and thereby sought to cancel the Legal Heir Certificate and the Patta in the name of the Defendants No. 9 and 10. The RDO, Kulithalai has enquired the petition and the records, passed an interim stay for the legal heir certificate issued by the Thasildar on 11.04.2014. The 1st Plaintiff had also given a petition before the Superintendent of Police, Karur to take criminal action against the Defendants No. 9 and 10. On the basis of the said patta transfer, the Defendants No. 9 and 10 have created three General Power of Attorney Deeds in favour of the Defendants No. 11 to 13 on 17.01.2014. The above general power deeds are fraudulent false, void and invalid documents.

18) On the basis of the said false power deeds, the Defendants No. 9 to 13 joined together and have created three false and fraudulent sale agreements on the same day of 13.02.2014 in favour of the Defendants No. 14 to 16. Apart from that, the Defendants No. 9 and 10 have also created false sale deed in favour of the 16th Defendant on 13.02.2014. All those documents are false and fraudulent, void documents. Those documents will not in any way bind the rights of the Plaintiff over the suit property.

19) The Defendants No. 9 and 10 have no manner of right in the suit property. They have misrepresented the revenue authority and obtained patta. Therefore, the Defendants No. 9 to 16 are just and necessary parties to this suit and they have been impleaded herein. This apart, during the pendency of the suit, the 1st Defendant Pappathi @ Muthulakshmi died on 21.08.2017. The Defendants No. 17 to 19 are impleaded as the legal heirs of the said 1st Defendant as they have succeeded to her estate. This apart, during the pendency of the suit, the 3rd and 4th Defendants were attained majority and the 1st Plaintiff had filed petitions to declare major and discharge the guardian and the same was allowed. During the pendency of the suit,

the 1st Plaintiff was also died on 13.05.2024. The wife of the 1st Plaintiff was impleaded as the 2nd Plaintiff and the Plaintiffs No. 3 and 4 are the sons of the 1st Plaintiff. The Plaintiffs No. 2 to 4 are the impleaded as the legal heirs of the deceased 1st Plaintiff as they have succeeded to the estate of the 1st Plaintiff. Hence, this suit.

Brief averments in the written statement filed by the 2nd Defendant and adopted by the Defendants No. 3 to 5:

20) The allegations in the plaint are all false, frivolous and vexatious and unsustainable in law and on facts. Except those allegations that are specifically admitted by this Defendant, other allegations are denied and the same are to be proved very strictly by the Plaintiff. The allegations in Para.No.3 to 7 of the plaint are denied as false. In fact, one Palanimuthu Goundar got four sons namely Nallusamy, Karuppannan, Karuppasamy and Manickam. Of them, Nallusamy Goundar has two sons Kulanthaivel Goundar, Arunachalam (1st Plaintiff) and a daughter Papathi (1st Defendant). Karuppannan was not married and for Kanthasamy there is no legal heir. The said Manickam married one Rajamani and as they got no issues, they adopted the elder son of Kulanthaivel Goundar namely Nallusamy at the age of 4 years which is nearly 35 years ago, who is the husband of the 2nd Defendant according to the hindu rights and rituals and caste custom. The said Kulanthaivel Goundar and his wife have given their son in adoption to Manickam and Rajamani.

21) The said Nallusamy was brought up by his father and mother Rajamani and they alone married the second Defendant to their son Nallusamy and to them, the Defendants No. 3 and 4 are born. The Defendants No. 2 to 4, Nallusamy and his adopted father and mother were all living as joint family members and under one roof. The Item No. 1 to 8 of the suit property belongs to one Nallammal and she executed a registered will dated 06.01.1993 to her daughter Rajamani and after the death of the Nallammal, Rajamani has been in the absolute and exclusive possession and enjoyment of the item no. 1 to 8 of the suit property along with her adopted son

Nallusamy. For the item no. 1 to 8 of the suit property, Patta is given in the name of Rajamani in Patta No. 337, 1196, 1618 and she was paying kists for the same.

22) The item no. 9 and 10 of the suit property and the land in S.F.No.898/3 are the ancestral property of the Palanimuthu Goundar and after his demise his four sons have divided the above suit property by way of oral partition nearly 40 years ago and the item no. 9 and 10 of the suit property herein were allotted to the said Manickam, who is the husband of the Rajamani. After the death of Manickam and Rajamani, her son Nallusamy has been in the separate possession and enjoyment of the above said property. In item no.8 of the suit property there is a tiled house and in respect of the same, a Natham Patta has been granted to Rajamani in Patta No. 877 and housetax assessment and service connection were also standing in her name.

23) The husband of the 2nd Defendant namely Nallusamy died on 04.12.2011, leaving behind his mother Rajamani the Defendants No. 2 to 4 to succeed his estate. Thereafter, the said Rajamani and the Defendants No. 2 to 4 were living as joint family and the 5th Defendant was assisting the Rajamani in agricultural operations and they are in the joint possession and enjoyment of the suit property. The Rajamani in a sound and disposing state of mind without any influence, out of her own free will had executed a Will to the Defendants No. 2 to 4 on 20.01.2012 and the above said will was duly executed, validly attested in accordance with law. In the said Will, life estate was given to the 2nd Defendant and also rights were given to the Defendants No. 3 and 4. Rajamani died on 12.05.2012 and therefore the above said Will came into effect and the Defendants No. 2 to 4 are in exclusive and absolute possession and enjoyment of the suit property as absolute owners.

24) The 5th Defendant is the brother of the deceased Nallusamy and he is assisting the Defendants No. 2 to 4 in the agricultural operations over the suit property. After the death of Rajamani, the 2nd Defendant have made a petition to Tahsildar, Kulithalai to change Patta in respect of item no. 1 to 8 of the suit property and the Patta is issued

to the Defendants No. 2 to 4 in Patta No. 337, 1196, 1618. The Defendants No. 2 to 4 and their predecessors in interest are in possession and enjoyment of the suit property for more than statutory period of limitation and have also prescribed title by adverse possession. The Will is executed in respect of the suit property to an extent of Acre 0.35 Cents and a terraced house in S.F.No. 898/3 of Kalukur Village.

25) The Plaintiffs, Vellaisamy and Manickam when attempted to interfere with the peaceful possession of the suit property covered under the Will dated 20.01.2012 executed by Rajamani to the Defendants No. 2 to 4, the Defendants No. 2 to 4 have filed a suit for Permanent Injunction against the Plaintiffs and others before this Court in O.S.No. 115/2012 and the same is pending. After the above suit, the Plaintiff has filed this suit with false and frivolous allegations. The other allegations contained in Para No. 8 to 17 of the plaint are all denied as false. The Plaintiff is not entitled to any relief of declaration and Permanent Injunction. This suit is hit under Order 2, Rule 2 of CPC. The cause of action is not correct. The description of property and four boundaries are not correct. The Plaintiff has never been in the possession and enjoyment of the suit property at any point of time. Therefore, this suit is liable to be dismissed with costs.

Brief averments in the written statement filed by the 7th Defendant adopted by the Defendants No. 6 and 8:

26) This suit is legally unsustainable and is not maintainable. Except those allegations specifically admitted herein, other allegations are false and the Plaintiff is put to strict proof of them. The allegations in Para no.4 to 18 of the plaint are all denied as false. The revenue records are transferred only after verifying the documents produced before the revenue officials. These Defendants are unnecessary parties to this suit. The reasons said out by the Plaintiff to dispense with section 80 of CPC notice are not correct. This Defendant always obeyed to the order of this Court. There is no cause of action to this suit. This suit is filed this unnecessarily and to

prevent the revenue officials from doing their official duties thereby causing loss of man power to the Government. Therefore, this suit is liable to be dismissed with costs.

27) The Defendants No. 12, 14, 16 have filed a memo seeking to adopt the written statement filed by the 9th Defendant in this suit as their written statment as well. The brief of the averments in the written statement filed by the 9th Defendant and adopted by the Defendants No. 10, 13, 15 are as follows:

All the allegations contained in the plaint are all false. Except those allegations which are specifically admitted other allegations are denied and the Plaintiff is not entitled to the relief sought for by him. The genealogy filed by the Plaintiff is no way connected to this suit. In respect of the item no. 1 to 8 of the suit property, neither Palanimuthu Goundar nor his legal heirs have any right at any point of time. The allegations contained in the Para No.5 of the plaint are all false and denied. In respect of the item no. 1 to 7 of the suit property, the said Nallammal who is the mother of the Rajamani has no right to dispose the same by way of Will in favour of Rajamani. The item no. 1 to 8 of the suit property belongs to these Defendants as legal heirs of the Rajamani.

28) The Will dated 06.01.1993 is false and is not sustainable. The allegations contained in para no.7 of the plaint are all false. This suit has been filed by the 1st Plaintiff, by claiming himself as the legal heir of the Rajamani by contending himself as the Rajamani's husband's brother's son. However, the item no.1 to 7 of the suit property belongs to the father of the Rajamani.

29) The allegations contained in para no.8 in the plaint are all denied as false. In respect of the item no.1 to 8 of the suit property, the Plaintiff has no right to claim any right over the same. The said Rajamani had died intestate and had not executed any Will as alleged by the Defendants No. 2 to 5. At the same time, the said Rajamani

had not adopted the said Nallusamy as alleged by the Defendants No. 2 to 5. Originally, this suit has been filed against the Defendants No. 1 to 8 alone. Pending the same, the Defendants No. 9 to 16 were impleaded. On the basis of the legal heir certificate obtained by the Defendants No. 9 and 10 for the deceased Rajamani, they had executed three general power of attorney deeds and three sale agreements, on the basis that the Defendants No. 9 and 10 are the legal heirs of the deceased Rajamani.

30) The item no. 1 to 8 of the suit property are not the property of Rajamani obtained through her husband. However, originally the item no. 1 to 8 of the suit property belonged to one Vellaiyan @ Karuppa Goundar. The said Vellaiyan @ Karuppa Goundar had two wives namely Malaiyammal and Sadaikutty@Karuppayee respectively. Through Malaiyammal, the said Vellaiyan @ Karuppa Goundar had a son Rayappan. Through Karuppayee, the said Vellaiyan got NallaGoundar.

31) After the death of the Vellaiyan @ Karuppa Goundar, his legal heirs namely Rayappan and Nalla Goundar had succeeded to his estate and had been jointly enjoying the item no. 1 to 8 of the suit property. Nallammal is the wife of Nalla Goundar and Rajamani is the daughter of the said Nallammal and Nalla Goundar. The Defendants No. 9 and 10 are the only legal heirs of the said Karuppannan. Nalla Goundar died above 60 years ago. After his death, his wife Nallammal and the grandfather of the Defendants No. 9 and 10 namely Rayappan had been in the joint possession and enjoyment of the item no. 1 to 8 of the suit property. The said Rayappan died during the year of 1987. After the same, Nallammal and the said Karuppannan who is the son of Rayappan had been in the possession and enjoyment of the suit property. Thereafter, during the year of 1996 Nallammal died and during 1999 Karuppannan died.

32) After the demise of Karuppannan, the daughter of Nalla Goundar namely Rajamani and the legal heirs of the Karuppannan namely the Defendants No. 9 and 10 had succeeded to the item no. 1 to 8 of the suit property. This being so, the said

Rajamani also died during the year 2012 leaving behind no legal heirs in respect of the item no. 1 to 8 of the suit property and she died intestate in respect of the same. Therefore, by the above said genealogy, the Defendants No. 9 and 10 are the only legal heirs of the deceased Rajamani and they have been in the possession and enjoyment of the item no. 1 to 8 of the suit property. In respect of the item no. 1 to 8 of the suit property, the Plaintiffs have no right and possession over the same. The item no. 1 to 8 of the suit property absolutely belongs to the Defendants No. 9 and 10.

33) After the demise of Rajamani, being the only legal heirs of the Rajamani, the Defendants No. 9 and 10 had succeeded and had been in the possession and enjoyment of the item no. 1 to 8 of the suit property. When the 9th and 10th Defendants went to some other place for doing business, the Plaintiff had fraudulently obtained Patta and Chitta in respect of the suit property. However, the item no. 1 to 8 of the suit property absolutely belongs to the Defendants No. 9 and 10. There is no cause of action for this suit. The cause of action alleged is not correct. Hence, this suit is liable to be dismissed with costs.

Brief averments in the written statement filed by Defendant No.17 and 18 adopted by the Defendant No.19:

34) The plaint allegations are all true. The mother of these Defendants, who is the 1st Defendant namely Pappathi @ Muthulakshmi is the sister of the 1st Plaintiff. The said Rajamani had no direct legal heirs. To the said Rajamani, the Plaintiff and the mother of the Defendants No.17 to 19 namely the 1st Defendant are alone the II class legal heirs. Untill the Demise of Rajamani, in respect of the suit property the Rajamani had not made any Will over the same. The 1st Plaintiff alone had performed the customary rights and rituals for the deceased Rajamani at the time of her death. In respect of the suit property, neither the Defendants No. 2 to 5 nor the Defendants No. 9 to 16 had any valid legal right and possession. With a view to unlawfully grab the property which belonged to the Rajamani, the above Defendants by false documents

with the help of revenue officials had created forged revenue documents and the said documents are not valid. These Defendants have no objection to decree the suit as prayed for the Plaintiff. Hence, the suit may be decreed as sought for by the Plaintiff.

O.S.No.102/2024

Brief averments in the amended plaint:

35) One Vellaiyan @ Karuppa Goundar had got two wives. The 1st wife is Malaiyammal and the 2nd Wife is Sadaikutty @ Karuppayee and both of them were died. Through 1st wife Malaiyammal, the said Vellaiyan @ Karuppa Goundar got a son namely Rayappan. One Nallammal is the wife of Rayappan and they both were died. For Rayappan and Nallammal, their son Karuppannan and daughter Malaiyammal are the legal heirs. The Plaintiffs are the sons of the said Karuppannan through his wife Sirmbayee. Malaiyammal died without any issues. The Plaintiff's father Karuppannan S/o.Rayappa Goundar also died on 30.01.1999.

36) Through the 2nd wife Sadaikutty @ Karuppayee, the said Vellaiyan @ Karuppa Goundar got a son namely Nalla Goundar. Nallammal is the wife of Nalla Goundar. Nalla Goundar died 60 years back and Nallammal died in 1996. Nalla Goundar and Nallamal had only one daughter namely Rajamani and the husband of the deceased Rajamani namely Manickam pre-deceased her. Rajamani died on 12.05.2012 without any issues.

37) Being so, the Plaintiffs herein have applied for the legal heirship certificate for the deceased Rajamani before the Tahsildar, Kulithalai and he had issued a Legal Heir Certificate to the Plaintiffs on 03.01.2014. However, one Arunachalam who was the husband of the 4th Defendant and father of the 5th and 6th Defendant died on 13.05.2024. While Arunachalam was alive, he had preferred an appeal before the RDO, Kulithalai to cancel the Legal Heir Certificate issued in favour of the Plaintiffs No.1 and 2. The RDO Kulithalai without proper enquiry had stayed the operations of

the Legal Heir certificate issued in favour of the Plaintiffs. Subsequently, the RDO Kulithalai without proper enquiry cancelled the order passed by the Thasildar, Kulithalai thereby cancelled the Legal Heir Certificate issued in favour of the Plaintiffs.

38) Subsequently, the Plaintiffs had filed a Writ petition in W.P.(MD). No.15146/2014 before the Hon'ble High Court of Madras, Madurai Bench and an order was passed in the said Writ petition stating that as factual aspects involved, the Writ Court can not decide the relationship of the parties and thereby closed the Writ petition by giving liberty to the Writ petitioner to approach the Jurisdictional Civil Court by appropriate declaration suit and the Writ petition was disposed on 10.07.2023. Hence, the Plaintiffs approached this Court seeking for the relief of declaration of their legal status as the legal heirs of the deceased Rajamani. Hence, this suit.

Brief averments in the written statement filed by the 3rd Defendant and adopted by Defendants No. 1 and 2:

39) The allegations in the plaint are all false, frivolous, vexatious and unsustainable in law or on facts. Except those allegations that are specifically admitted herein, other allegations are denied and the Plaintiff has to prove the same very strictly according to the law. The Plaintiffs are not entitled to the relief prayed for in the plaint. The allegations in Para No. 3 to 9 of the plaint are all denied as false and they are very strictly to be proved by the Plaintiffs. The genealogy shown by the Plaintiffs are all false and denied. The Defendants No. 1 to 3 are the government officials for that without prior notice given, this suit was filed and hence, this suit is liable to be dismissed in limine. The Plaintiffs have to prove all the documents filed by them according to the law. There is no cause of action for this suit and the one alleged is false and denied. This suit is not properly valued. Therefore, this suit is liable to be dismissed with costs.

Brief averments in the written statement/counter claim filed by the Defendants No. 4 to 6 and adopted by Defendants No. 7 to 9:

40) This suit is unsustainable in law or on facts. Except those allegations admitted by the Defendants herein, all other allegations in the plaint are denied as false. The allegations contained in Para No. 4 to 11 of the plaint are all false and denied. In fact, one Palanimuthugoundar has got four sons namely Nallusamy, Kanthasamy, Karuppannan and Manickam and the above Palanimuthu Goundar and his wife died several years ago. For the said Nallusamy, Arunachalam, Kulanthaivel and Pappathi are his legal heirs. The other sons of the Palanimuthu goundar namely, Kanthasamy and Karuppannan were also died without marrying to anybody and without any issues respectively. Manickam is the last son of the Palanimuthu Goundar. Rajamani is the wife of Manickam. Manickam died leaving behind Rajamani as his only legal heir. After the same, the said Arunachalam and Pappathi were taking care of the said Rajamani.

41) Rajamani died on 12.05.2012. Rajamani had no direct legal heirs. As per the Class-II Hindu Succession Act, Arunachalam and his sister Pappathi are alone will be the legal heirs of the deceased Rajamani. At the time of death of Rajamani, the rites and rituals were performed by Arunachalam only. After the demise of Rajamani, her property were succeeded by Arunachalam and Pappathi as her legal heirs.

42) In order to grab the property left by Rajamani, one Senthil S/o.Kulanthaivel and his brother's wife Umamaheshwari and brother's son Elavarasan had jointly forged and fabricated documents. In respect of the same, the above said Arunachalam had filed a suit in O.S.No.164/2012 before this Court for the relief of declaration of the property left by Rajamani in their favour and also for Permanent Injunction. Pending the same, the above said Arunachalam died. For the said Arunachalam, the Defendants No. 4 to 6 are the only legal heirs. Similarly, the sister of Arunachalam namely Pappathi also died. The Defendants No. 7 to 9 herein are the

legal heirs of the said Pappathi. The above legal heirs were also impleaded in the above suit in 164/2012 and the same is pending before this Court.

43) When the above suit was filed by the father of the 4 to 6 Defendants and the same was pending, in order to fraudulently grab the property of Rajamani, the Plaintiffs herein have forged and impersonated themselves as the legal heirs of the Rajamani thereby obtained legal heir certificate from the Tahsildar, Kulithalai on 03.01.2014 with the help of the VAO, Thogaimalai.

44) With the help of the above fraudulent Legal Heir Certificate, when the above suit in O.S.No. 164/2012 was pending without any enquiry the Plaintiffs herein have transferred Patta to their name in Patta No. 337, 1618, 1196, 877 and 1197. After having transferred the Patta in their name the Plaintiffs have fraudulently executed three registered general power of attorney deeds in respect of the suit property and subsequently created three sale agreements fraudulently. After knowing about the fraudulent Legal Heir Certificate, patta and the above documents, the said Arunachalam had approached the RDO, Kulithalai and challenged the Legal Heir Certificate issued in favour of the Plaintiffs. The RDO, Kulithalai after due enquiry had passed an interim stay on 11.04.2014 in respect of the Legal Heir Certificate and after complete enquiry the RDO, Kulithalai had cancelled the said Legal Heir Certificate issued to the Plaintiffs for the deceased Rajamani.

45) The Plaintiffs herein are no way related to the deceased Rajamani. In order to fraudulently grab the property of the deceased Rajamani, the Plaintiffs herein have fabricated such relationship with themselves and Rajamani, thereby filed this suit against the Defendants. As per the order of the High Court, the Defendants No. 4 to 6 are entitled to claim the relief of declaration of their legal status as the legal heirs of the deceased Rajamani.

46) Hence, this counter claim has been filed by the Plaintiffs and also for the relief of Mandatory Injunction directing the revenue authorities to issue these Defendants that the legal heirship certificate of deceased Rajamani. The cause of action is not true. This suit is not properly valued. The Plaintiffs are not entitled any relieves as prayed for by them. Hence, the above suit is liable to be dismissed and the prayer sought for by this Defendants in the counter claim is to be decreed.

Brief averments in the reply statement filed by the Plaintiffs:

47) The Plaintiffs are the brothers. The above suit in O.S.no.164/2012 was allowed by this Court to be tried jointly with this suit in O.S.no.102/2024. The Defendants No. 4 to 6 are not entitled to any relief sought for by them in their counter claim. All the allegations contained in the counter claim are denied as false. Hence, the Defendants No. 4 to 6 are not entitled to the relief as prayed for in the counter claim. Hence, the counter claim prayed is liable to be dismissed with costs.

Issues in O.S.No.164/2012:

48) Upon perusal of the pleadings this court has framed the following:

- 1 Whether the Plaintiff is entitled for the relief of declaration and consequential relief of Injunction in respect of the suit property?
- 2 Whether the Plaintiffs is entitled for the relief of Permanent Injunction in respect of the suit property?
- 3 Whether the Plaintiffs is entitled for the relief of Mandatory Injunction as prayed for?
- 4 To what other relief the Plaintiff is entitled?

49) However, subsequently the Defendants No. 9 to 19 were impleaded in the above suit and upon perusal of the amended plaint and the written statement and additional written statement filed by the parties herein, this Court had recasted the above issues framed earlier and had framed the following issues:

1) தாவா சொத்துக்கள் வாதி மற்றும் 1ம் பிரதிவாதியின் அனுபவத்தில் உள்ளதா?

2) தாவா சொத்துக்கள் வாதி மற்றும் 1ம் பிரதிவாதிக்கு பாத்தியப்பட்டது என உரிமை விளம்புகை பரிகாரம் வழங்கத்தக்கதா?

3) 2 முதல் 5 வரையான பிரதிவாதிகளுக்கு எதிராக வாதி நிரந்தர உறுத்துக் கட்டளை பரிகாரம் பெற உரிமைபடைத்தவரா?

4) தாவா சொத்திற்கு 2 முதல் 4 வரையான பிரதிவாதிகளின் பெயருக்கு 6 முதல் 7 வரையான பிரதிவாதிகளால் வழங்கப்பட்ட பட்டா எண்.802, 337, 1996, 1197 யை நீக்கரவு செய்யவும் மேலும் தாவா சொத்திற்கு வாதி மற்றும் 1ம் பிரதிவாதி செயலுறுத்துக் கட்டளை பெறவும் வாதி உரிமைப்படைத்தவரா?

5) தாவா 1 முதல் 8 இனச் சொத்துக்கள் 9, 10 பிரதிவாதிகளுக்கு பாத்தியப்பட்டது என்பது உண்மையா?

6) வாதிக்கு கிடைக்கக்கூடிய இதர பரிகாரம் என்ன?

When this suit is ordered to be tried jointly with the connected suit in O.S.No. 102/2024, this Court has framed the following additional issue:

1) Whether the Plaintiffs and the Defendants No. 9 and 10 are the legal heirs of the deceased Rajamani as alleged by them?

50) Issues framed by this Court in O.S.No.102/2024

1) Whether the Plaintiffs are the only legal heirs of the deceased Rajamani W/o.Late Manickam as alleged by them?

2) Whether the Defendants No. 4 to 9 are the only legal heirs of deceased Rajamani, W/o.Late Manickam as alleged by them?

3) Whether the Plaintiffs are entitled to the relief of declaration of legal status as prayed for?

4) Whether the Defendants no.4 to 9 are entitled to the relief of declaration of legal status as prayed for in the counter claim?

5) Whether the Plaintiffs are entitled to the relief of Mandatory Injunction as prayed for?

6) Whether the Defendants no.4 to 9 are entitled to the relief of Mandatory Injunction as prayed for?

7) To what other relief?

51) Evidence:

Both parties were directed by this Court to adduce evidence and additional evidence in the suit in O.S.No.164/2012. On the side of the Plaintiffs, the 1st Plaintiff Arunachalam was examined as PW1 and through him Ex.A1 to Ex.A24 were marked. One Perumal was examined as PW2 on the side of the Plaintiffs and Ex.A25 was marked through him. The 4th Plaintiff Selvam was examined as PW3 on the side of the Plaintiffs. Plaintiffs side evidence was closed with PW3. On the side of the Defendants No. 9 to 16, the 9th Defendant was examined as DW1 and through him Ex.B1 to Ex.B27 were marked. This apart, on the side of Defendants No.17 to 19, the 18th Defendant namely Chinnadurai was examined as DW2 and no documents were marked through him. Hence, Defendants side evidence was closed with DW2.

Answer to Additional Issue No.1 in O.S.No.164/2012 and for the issues No. 1 and 2 in O.S.No.102/2024:

52) Before proceeding to decide the other issue regarding the title in respect of the suit property, this court is of the view that it is pertinent to answer the issues as to the legal heirship status and the relationship of the parties to the suit with the deceased Rajamani, as both parties have claimed themselves to be the legal heirs of the deceased Rajamani. For the sake of convenience and clarity, the parties herein are hereby ranked according to the arrayal of parties in the suit in O.S.No.164/2012 for

better understanding. The Plaintiffs have claimed themselves to be the legal heirs of the deceased Rajamani, W/o.Late Manickam and thereby claimed to be the absolute owners of the suit property which belonged to deceased Rajamani. This apart, the Plaintiffs have also contended that apart from the Plaintiffs, the 1st Defendant is also the legal heir of the deceased Rajamani. Hence, this suit is filed.

53) It is the case of the Plaintiffs that, one Palanisamy Goundar and his wife Palaniyammal got four sons namely Nallusamy, Kanthasamy, Karuppasamy and Manickam and all of them were died several years ago and Rajamani is the wife of the deceased above said Manickam. They further alleged that Manickam pre-deceased Rajamani and item no.1 to 7 of the suit property is originally belonged to Rajamani absolutely by way of a Will dated 06.01.1993 executed by her mother Nallammal in her favour. Further the Plaintiffs alleged that the Rajamani got the item no.8 to 10 of the suit property being the legal heir of her husband which was the ancestral property of her husband got by him in the family partition. Therefore, the 1st Plaintiff had himself claimed that the 1st Plaintiff and the 1st Defendant are the deceased Rajamani's husband's brother's son and daughter. Thereby the 1st Plaintiff had himself claimed to be the legal heir of the deceased Rajamani through her husband.

54) In order to prove the above facts, the 1st Plaintiff as PW1 had reiterated the same averments in the plaint in his chief examination affidavit as well and through him Ex.A1 to Ex.A24 were marked. Ex.A1 is the Genealogy of the said Palanimuthu Goundar and Palaniyamal's family. Upon perusal of the Ex.A1 Genealogy, it is shown that for the said Palanimuthu Goundar and his wife Palaniyammal the father of the Plaintiff namely Nallusamy, one Kanthasamy, one Karuppannan and one Manickam, who is the husband of the deceased Rajamani were shown as their legal heirs. Further, it is also been shown in the genealogy that the 1st Plaintiff Arunachalam, the 1st Defendant Pappathi and yet another person namely Kulanthaivel were the legal heirs of the said Nallusamy. It is also shown that the said Nallusamy,

Kanthasamy, Karuppannan, Manickam, Rajamani and Kulanthaivel were also died. Ex.A2 is the certified copy of the registered Will, dated 06.01.1993 executed by Nallammal, who is the mother of the deceased Rajamani in favour of Rajamani. Upon perusal of the Ex.A2 Will, it is seen that the said Nallammal had executed the above said Will in favour of the Rajamani in respect of item no.1 to 7 of the suit property herein, by contending that the said property belongs to her deceased husband Nallusamy and after his demise, the said Nallammal had acquired the said property as the legal heir of the deceased Nallusamy and thereby executed such Will in favour of the deceased Rajamani.

55) Ex.A3 is the acknowledgment receipt for the application dated 25.06.2012 given by the 1st Plaintiff before the Office of the District Collector, Karur along with the said application. Upon perusal of Ex.A3, it could be seen that the Plaintiff had approached the District Collector, Karur thereby seeking Patta transfer in respect of some of the suit property in their name. It is also seen that in the above said application, the 1st Plaintiff Arunachalam had stated his relationship with the deceased Rajamani, who died on 12.05.2012 and also alleged that in respect of her property one Senthil, S/o.Kulanthaivel had been trying to obtain fraudulent Patta and legal heir certificate of the deceased Rajamani without the knowledge of the 1st Plaintiff and therefore sought the District Collector, Karur to pass an order by transferring the Patta in the name of the 1st Plaintiff.

56) Ex.A4 is the legal notice dated 28.06.2012 given by the 1st Plaintiff's counsel to the revenue officials and the 5th Defendant as well. Upon perusal of the said advocate legal notice, it is seen that the 1st Plaintiff himself had alleged to be the legal heir of the deceased Rajamani and thereby alleged the plaint averments therein as well. It is also seen that the 1st Plaintiff had also contended that the revenue officials should not transfer Patta in the name of any other persons or should not give the legal heirship certificate of the deceased Rajamani to any other persons except the 1st Plaintiff as he being the legal heir of the deceased Rajamani. Ex.A5 is the

rectification notice dated 30.06.2012 issued by the Plaintiff's counsel to the revenue officials and the Defendant no.5 thereby stating rectifications as to the survey number of the suit property in the earlier legal notice sent by him in the Ex.A4.

57) Ex.A6 is the Original Acknowledgement Card for the legal notice sent by the Plaintiffs' counsel to the VAO, Thogaimalai. Ex.A7 is the Acknowledgement Card and the Postal Notice sent by the Plaintiffs counsel to the Tamilnadu Electricity Board, Thogaimalai. Upon perusal of Ex.A7, it is seen that the acknowledgment card and original notice sent by the Plaintiffs' counsel to the Tamilnadu Electricity Board, Thogaimalai was returned to the Plaintiff for the reason that the Plaintiff has failed to specifically mentioned about the exact place of the Tamilnadu Electricity Board Office whether North or South and hence, the same was returned with such endorsement.

58) Ex.A8 is the Reply notice sent by the counsel for the 5th Defendant to the Plaintiffs' counsel and to the Tahsildar, Kulithalai as well dated 11.07.2012. Upon perusal of Ex.A8, it could be seen that the 5th Defendant had contended that in respect of certain property which are situated in Kalugur Village, Thogaimalai, the deceased Rajamani, Sirumpayee W/o.Nallusamy were jointly in the possession and enjoyment over the same and after the same, on 20.01.2012 the said Rajamani had executed a Will in favour of the minor Umamaheswari and minor Elavarasan in respect of the said property and after the demise of the Rajamani, the said Sirumpayee along with her minor children Umamaheswari and Elavarasan had succeeded to the property of the deceased Rajamani which were devolved upon them under the above said Will. It is further alleged by the counsel for the 5th Defendant therein that in respect of the said property acquired by them by way of the alleged Will, Patta has been transferred to the name of Sirumpayee and Elavarasan in Patta Nos.337,1196,1618 and 877. The 5th Defendant had also alleged that in respect of the suit property, he already filed a suit in O.S.No.115/2012 before this Court.

59) Ex.A9 is the certified copy of the Plaint filed by the above said Sirumpayee for herself and for her minor daughter and son namely Umamaheswari and Elavarasan and by the 5th Defendant namely Senthil kumar against the 1st Plaintiff herein and the 9th and 10th Defendants herein in respect of the suit property for the relief of Permanent Injunction by alleging that they have acquired the suit property by way of a Will executed by the deceased Rajamani dated 20.01.2012 and succeeded to the suit property after her demise and thereby claimed to be the owners of the said property. Ex.A10 is the certified copy of the decree in O.S.No.115/2012 passed by this Court dated 07.06.2017. Upon perusal of decree of the above suit, which was filed by the 5th Defendant and others against the 1st Plaintiff and Defendant no.9 and 10 herein, it is seen that the above suit was dismissed for default of the Defendants No. 2 to 5 herein in respect of the suit property. Ex.A11 is the certified copy of the judgment of this court in O.S.No.115/2012. Upon perusal of the said judgment, it could be seen clear that as the Plaintiffs are called absent, the above suit was dismissed for default of the Plaintiffs in respect of the suit property. Upon perusal of the above suit, it is also seen clear that the suit property in the above suit would cover the suit property herein as well.

60) Ex.A12 is the certified copy of the registered general power of attorney deed executed by the 9th and 10th Defendant in favour of one Nehru, who is the 12th Defendant herein thereby giving general power in respect of the 3rd item of the suit property to an extent of Acre.0.50 cents only. Ex.A13 is the certified copy of the registered general power of attorney deed executed by the 9th Defendant namely Vellaisamy in favour of one Balasubramani, who is the 13th Defendant herein on 17.01.2014 thereby giving general power to the said person in respect of the item no.1 to item no.7 of the suit property. Ex.A14 is the certified copy of the registered general power of attorney deed dated 17.01.2014 executed by the 10th Defendant in favour of one Palanisamy, who is the 11th Defendant herein thereby giving general

power to the Palanisamy in respect of item no.1 to item no.7 of the suit property for the extents specified therein.

61) Ex.A15 is the certified copy of the registered sale agreement dated 19.02.2014 executed by the 12th Defendant Nehru in favour of one Valliyammal thereby agreeing to sell the 1st item of the suit property to an extent of Acre 0.15 Cents which was acquired by the 12th Defendant under the power deed executed by the 9th and 10th Defendant in his favour. Ex.A16 is the certified copy of the registered sale agreement dated 19.02.2014 executed by the 13th Defendant, in favour of one Vimala thereby agreeing to sell the property in S.F.No.264/1 to an extent of 61 ½ Cent and in S.F.No.264/6 to an extent of 2 ½ Cent in total 64 Cents which were acquired by him through the general power of attorney executed by the 9th Defendant.

62) Ex.A17 is the certified copy of the registered sale agreement dated 19.02.2014 executed by the 11th Defendant in favour of one Maheswari thereby agreeing to sell the certain extent of item No.3 and 4 of the suit property as acquired by him under the one of the above said registered general power of attorney deeds. Ex.A18 is the Advocate Notice sent by the Plaintiffs' counsel dated 18.04.2014 along with the postal tracking consignment receipts to the 9 to 16th Defendants thereby the Plaintiff had contended that the suit property which belonged to Rajamani and after the demise of the Rajamani, it is the Plaintiff only who being the legal heir of the deceased Rajamani is the absolute owner for the same and therefore the Plaintiffs counsel sought the above said Defendants No. 9 to 16 to cancel the registration of the above said documents namely the general power of attorney deeds and the sale agreements as mentioned above in respect of the suit property.

63) Ex.A19 is the postal acknowledgement receipt in respect of the advocate notice in Ex.A18 sent by the Plaintiffs' counsel to the 9th Defendant Vellaisamy. Ex.A20 is the certified copy of the registered sale deed executed in favour of one M.Gandhi as power agent by one Kulanthaivel S/o.Nallusamy, Nallusamy S/o.Kulanthaivel,

Sanmugapriyan, Senthilkumar and Valarmathi S&D/o.Kulanthaivel, Arunachalam (1st Plaintiff) herein, Mohandass, Selvam (Sons of Arunachalam) and Rajamani W/o.Manickam thereby sold certain extent of property in S.F.No.898/3 which is situated in Kalugur Village, Kulithalai Taluk out of the total Acre 5.13 Cents to an extent of Acre 3.00 Cents within specified four boundary as specified therein. From the perusal of the above sale deed, it is seen that in respect of the 10th item of the suit property herein out of the Acre 5.13 Cents, Acre 3.00 Cents were sold out by the deceased Rajamani along with the 1st Plaintiff and his son, and one Kulanthaivel who is the brother of the 1st Plaintiff and his sons and daughters as well.

64) Ex.A21 is the original voter id card issued by the Election Commission of India of the deceased Rajamani W/o.Manickam. Upon perusal of Ex.A21, it is seen that the Rajamani W/o.Manickam has been the resident of Puthu Kallupatti, Thogaimalai. Ex.A22 is the certified copy of Chitta in the name of Kulanthaivel and the 1st Plaintiff Arunachalam in respect of the 10th item of the suit property in S.F.No.898/3 to an extent of Hec.2.07.5 Ares. However, it could be seen that the above said chitta had been obtained in respect of the Patta no.2760 from the VAO, Kalugur Village, Kulithalai Taluk in respect of the fasili year of 1403. Ex.A23 is the served copy of order passed by the Revenue Divisional Officer, Kulithalai dated 19.08.2014. Upon perusal of the Ex.A23 order of the RDO, Kulithalai, it is seen that the 1st Plaintiff had approached the RDO, Kulithalai against the issuance of the Legal Heir Certificate by Tahsildar, Kulithalai for the deceased Rajamani in favour of 9th and 10th Defendants herein, thereby contending that the 1st Plaintiff, his brothers and sisters namely Kulanthaivel and Pappathi are the only legal heirs of the deceased Rajamani. It is also seen that after getting the legal opinion from the Government Pleader and after perusing the records, the RDO, Kulithalai had passed the above said order thereby cancelling the legal heirship certificate issued by the Tahsildar, Kulithalai dated 03.01.2014 in favour of the 9th and 10th Defendants herein as the legal heirship status

of the 9th and 10th Defendants with the deceased Rajamani could not be related and identified.

65) Ex.A24 is the original death certificate of the deceased Rajamani W/o.Manickam dated 18.05.2012. Upon perusal of the Death Certificate of the Rajamani, it is seen that on 12.05.2012 the said Rajamani W/o.Manickam was died. Ex.A25 is the Aadhar Card copy of the PW2 which was marked after comparing it with its original.

66) This apart, PW1 in his cross examination remained uncontradicted and unrebutted as to the date of death of Rajamani and as to the relationship of the Rajamani with the 1st Plaintiff himself and with the 1st Defendant. Further, PW1 in his cross examination had also stood with the genealogy filed on their side which is showing the relationship of the 1st Plaintiff and the 1st Defendant with the deceased Rajamani along with the other legal heirs of the deceased Palanimuthu Goundar and Palaniyammal. Further, PW1 had also admitted as to the relationship of himself with the 2nd Defendant namely Sirumpayee who is none other than the W/o.Nallusamy. It is also seen that the said Nallusamy is none other than the S/o.Kulanthaivel, who is the brother of the 1st Plaintiff and 1st Defendant. Therefore, it is seen clear that to the said Nallusamy S/o.Palanimuthu Goundar and Palaniyammal, the said 1st Plaintiff, 1st Defendant and Kulanthaivel are the only legal heirs. This being so, the 1st Plaintiff Arunachalam and the 1st Defendant Pappathi were alive at the time of filing of this suit and the daughter-in-law of the said Kulanthaivel namely the 2nd Defendant herein and the grandson and grand daughter of the said Kulanthaivel namely, the 3rd and 4th Defendants herein along with yet another son of the said Kulanthaivel namely, the 5th Defendant herein were added as parties to the suit.

67) This apart, PW1 also denied the case of the Defendants No.2 to 5 as alleged by them in their written statement. This apart, PW1 further reiterated as to his possession and enjoyment over the suit property as on date.

68) This apart, by the cross examination done on behalf of the Defendants no.9, 10, 13 and 15 PW1 remained uncontradicted as to his relationship with the deceased Rajamani and their family relationships as mentioned in the genealogy filed on the side of the Plaintiffs. PW1 also remained uncontradicted as to the fact that his father's brothers were also no more and one of the brother's of his father namely Manickam, the said Rajamani was married to him was admitted and reiterated by PW1 in his cross examination thereby establishing his relationship with the deceased Rajamani. Moreover, the fact that the Rajamani died without any issues and her husband pre-deceased her and her father and mother were also died were all admitted by PW1 in his cross examination. This apart, PW1 had also not admitted as to the relationship of the Defendants No.9 and 10 as alleged by them in their written statements with the deceased Rajamani. This apart, PW1 had also admitted that item no.1 to 7 of the suit property belongs to Rajamani and item no.8 to 10 of the suit property situated in Kalugur Village belongs to the husband of the deceased Rajamani by way of partition in respect of their ancestral property which belongs to their father Palanimuthu Goundar.

69) This apart, PW1 had also admitted in his cross examination that item no.1 to 7 of the suit property originally belonged to the father one Nalla Goundar and after the same the said the item no.1 to 7 of the suit property then belonged to his wife Nallammal and after the same it belonged to Rajamaniammal. Also, PW1 had admitted that item no.1 to 7 of the suit property belongs to Rajamani as inherited from her father. This apart, PW1 denied the Patta standing in the name of the Defendants No.9 and 10 in respect of the item no.1 to 7 of the suit property as fraudulent and as fraudulently obtained by them.

70) This apart, one Perumal was examined as PW2 on the side of the plaintiffs. PW2 on his chief examination affidavit has reiterated and supported the case of the Plaintiffs in the above suit. PW2 in his cross examination conducted by the Defendants No.9, 10, 13 to 15, remained uncontradicted and unrebutted as to the

relationship of the 1st Plaintiff, 1st Defendant and Kulanthaivel with the deceased Rajamani and their family relationships. However, PW2 had not admitted as to the relationship of the 9th and 10th Defendants with the deceased Rajamani as contended by them in their written statements. Further, he himself had admitted that he is the brother of the 2nd Defendant Sirumpayee herein.

71) This apart, on the side of the Plaintiffs, the 4th Plaintiff Selvam who is the son of the 1st Plaintiff Arunachalam was examined as PW3. PW3 in his chief examination affidavit as well has reiterated and supported the case of the Plaintiffs. Further, PW3 remained uncontradicted and unrebutted as to his relationship and his father's relationship with the deceased Rajamani and as to the genealogy filed by the Plaintiffs and as to the relationship between the Plaintiffs, 1st Defendant with the deceased Rajamani. PW3 had admitted that the mother of Rajamani namely, Nallammal is the sister of his grandfather namely Nallusamy. He also admitted as to the fact that his father's brother was also no more. Further PW3 had admitted as to the death of the Rajamani's mother and father namely Nallammal and Nalla Goundar. PW3 had also denied and not admitted as to the relationships of the Defendants No.9 and 10 with the deceased Rajamani as alleged by them in their written statement. Hence, the Plaintiff side evidence was closed with PW3.

72) Per contra, the Defendants No.2 to 5 have alleged that the husband of the 2nd Defendant namely Nallusamy is the son of one Kulanthaivel. Kulanthaivel is the brother of the 1st Plaintiff and the 1st Defendant. As the Rajamani and Manickam had no issues and after the death of Manickam, the Rajamani had adopted the above said Nallusamy, who is the son of Kulanthaivel as his adopted son as Rajamani had no children. They further alleged that to the said Nallusamy, 2nd Defendant Sirumpayee is the wife, the 3rd and 4th Defendants are the son and daughter of the 2nd Defendant and Nallusamy. The Defendants No.2 to 5 were also alleged that item No.1 to 8 of the suit property are the separate property of Nallammal, who is the mother of the Rajamani and after the demise of Nallammal, as she had executed a registered Will

dated 06.01.1993 to her daughter Rajamani in respect of the item no.1 to 7 of the suit property alone and after the death of Nallammal, the Rajamani was in absolute and exclusive possession and enjoyment of the item no. 1 to 8 of the suit property along with her adopted son Nallusamy, who is the husband of the 2nd Defendant.

73) Further, the Defendants No.2 to 5 had contended that this apart Rajamani had also been the absolute owner of the item no.9 and 10 of the suit property as his husband's ancestral property and after the demise of Rajamani, the husband of the 2nd Defendant namely Nallusamy had succeeded to the estate of the deceased Rajamani as her adopted son and had been in the absolute possession and enjoyment over the same. Further, they have also alleged that the said Nallusamy died on 04.12.2011 leaving behind the Defendants No.2 to 4 to succeed his estate and the 5th Defendant who is the brother of the said Nallusamy had also been assisting the agricultural operations with the Rajamani and now with the 2nd Defendant. This apart, the Defendants No.2 to 5 had further alleged that on 20.01.2012, the deceased Rajamani had executed a Will thereby giving life estate to the 2nd Defendant and also rights the Defendants no.3 and 4 and after the death of the Rajamani on 12.05.2012, the above said will came into effect and the Defendants no.2 to 4 are in exclusive and absolute possession and enjoyment over the entire suit property as absolute owners. Upon perusal, it is seen that though they have claimed absolute rights as to the suit property, the Defendants No.2 to 5 had not let in any oral and documentary evidence in support of their case rather they have remained exparte in the above suit.

74) It is also seen that the Defendants No.17 to 19 have proceeded the above suit jointly with the Plaintiffs herein as the Plaintiffs had sought for the relief of declaration of title in respect of the suit property by alleging the Plaintiffs as well as these Defendants no.17 to 19 as the only legal heirs of the deceased Rajamani.

75) This apart, the Defendants No.9 to 16 alleged in their written statement that the Defendants No.9 and 10 are the only legal heirs of the deceased Rajamani through

her father side. They also alleged that one Vellaiyan @ Karuppa Goundar had two wives namely 1st Wife Malaiyammal, and 2nd wife Sadaikutty @ Karuppayee. They further alleged that for the 1st wife Malaiyammal, a son Rayappan was born and for the said Rayappan and his wife Naina ammala one Karuppannan and one Malaiyammal were born. It was also alleged by them that the above said Malaiyammal married Kanthasamy and both of them were died without any issues. The above said Karuppannan married Sirumpayee and for them the Defendants no.9 and 10 namely Vellaisamy and Manickam were the only legal heirs. They also alleged that the father and mother of the 9th and 10th Defendants namely Karuppannan and Sirumpayee are no more.

76) This apart, these Defendants have also alleged that for the Vellaiyan @ Karuppa Goundar through his 2nd wife Sadaikutty @ Karuppayee a son Nalla Goundar was born. For the said Nalla goundar and his wife Nallammal a only daughter Rajamani was born. The said Rajamani is the wife of Manickam. They also alleged that the above said sadaikutty @ Karuppayee, Nalla Goundar and his wife Nallammal were no more and the husband of the Rajamani namely Manickam pre-deceased Rajamani. Further, these defendants have alleged that the item no.1 to 8 of the suit property belongs to Rajamani as the property inherited through her father Nalla Goundar only. They also alleged that the said Nalla Goundar and his brother Rayappan have been in the joint possession and enjoyment of the item no.1 to 8 of the suit property as joint owners as the sons of Vellaiyan @ Karuppa Goundar and therefore, after the demise of the said Rayappan and Nalla Goundar, the properties have been in the possession of Karuppannan and Nalla Goundar's wife Nallammal and after the demise of Karuppannan, the item no.1 to 8 of the suit property have been in the possession and enjoyment of the 9th and 10th Defendants along with the deceased Rajamani only. Therefore, after the demise of the said Rajamani the 9th and 10th Defendants are the only immediate legal heirs of the deceased Rajamani, through her father's side and as the item no.1 to 8 of the suit property were inherited by

Rajamani from her father Nalla Goundar, after the demise of Rajamani as per section 15 (2) (a) of the Hindu Succession Act, these Defendants no.9 and 10 had claimed to be the legal heirs of the deceased Rajamani in respect of the item no.1 to 8 of the suit property as they have been inherited by the Rajamani through her father's side. Therefore, the Defendants No.9 and 10 have claimed to be the absolute owner of the suit property more specifically item no. 1 to 8.

77) In order to prove their case, the 9th Defendant namely Vellaisamy was examined as DW1 and through him Ex.B1 to Ex.B27 were marked.

78) Ex.B1 is the Genealogy filed by the 9th and 10th Defendants showing the relationship of the 9th and 10th Defendants with the deceased Rajamani and as to the relationship of their family. Ex.B2 is the Death Certificate of one Rayappa Goundar S/o.Karuppa Goundar. Upon perusal, it is seen that the said Rayappa Goundar S/o.Karuppa Goundar was died on 25.08.1987 in Puthu Kallupatty, Thogaimalai Village. Ex.B3 is the Death Certificate of Karuppannan S/o.Rayappan dated 03.02.1999. Upon perusal of Death Certificate of Karuppannan, it is seen that on 30.01.1999 in Puthu Kallupatti Village, the above said Karuppannan S/o.Rayappan was died. Ex.B4 is the certified copy of the resettlement register extract dated 27.02.2013 in respect of the 3rd item of the suit property in S.F.No.264/1 along with other properties situated in Thogaimali Village, Kulithalai Taluk. Upon perusal of resettlement register extract in Ex.B4, it is seen that in respect of the 3rd item of the suit property namely S.F.No.264/1 old S.F.No.99/4 to an extent of Acre 1.96 Cents, under the name of the Pattatharar or Inamtharar column, it has been shown as Malaiyammal as mother and guardian for minor Rayappan and Sadaikutty @ Karuppayee as mother and guardian for minor Nalla Goundar. It is seen that for the 3rd item of the suit property in S.F.No.264/1 to the total extent of Acre 1.96 Cents, the said Rayappan and Nalla Goundan were shown as joint Pattatharars.

79) Ex.B5 is the true copy of the Chitta in respect of the property in S.F.No.264/1 to an extent of Acre 1.96 Cents for the fasili year of 1388 which is standing in the name of Nallammal and Karuppannan. Ex.B6 is the Legal Heirship Certificate of the deceased Karuppannan S/o.Rayappan. Upon perusal of Ex.B6, it is seen that the said Karuppannan S/o.Rayappan died on 30.01.1999 and the 9th and 10th Defendants were only the legal heirs of the deceased Karuppannan. Ex.B7 is the certified copy of the written statement filed by the 9th and 10th Defendants in the original suit in O.S.no.115/2012 filed by the 2nd Defendant namely Sirumpayee and others against the 9th and 10th Defendants and the 1st Plaintiff herein. In the written statement filed by the 9th and 10th Defendant herein in the above suit it is seen that they had reiterated the same averments as contained in their written statement in this suit as well and as to the relationship of themselves with the deceased Rajamani in the above written statement as well.

80) Ex.B8 is the certified copy of the Judgment of the above suit in O.S.No.115/2012 which shows that the above suit was dismissed for default of the Plaintiff therein. Ex.B9 is the Legal Heirship Certificate of the deceased Rajamani W/o.Manickam. Upon perusal of the Ex.B9, it is seen that the said Rajamani W/o.Manickam died on 12.05.2012. However, the above said certificate was obtained by the 9th and 10th Defendants on 03.02.2014 and it is strange to see that in the above said Legal Heirship Certificate, the 9th and 10th Defendants were shown as the legal heirs of the deceased Rajamani as her brother's sons. But, it is strange that in this suit the Defendants No.9 and 10 have claimed to be the legal heir of the deceased Rajamani with a completely different relationship and not the relationship as specified themselves before obtaining such a Ex.B9 Legal Heir Certificate as Rajamani's brother's sons. So, it is seen that the Defendants No.9 and 10 have taken a contradictory stand as to the relationships of themselves with the deceased Rajamani as what they have alleged before applying the Legal Heirship Certificate in Ex.B9.

81) Ex.B10 is the downloaded copy of the Patta in patta no.1618. Upon perusal of the Patta in 1618, it is seen that in respect of the property in S.F.no.264/1 and 264/6 in Thogaimalai Village, Kulithalai Taluk, the said Patta is jointly standing in the name of the 9th and 10th Defendants herein. Ex.B11 is the downloaded copy of Patta in Patta no.2212 in respect of the property in Thogaimalai Village, Kulithalai Taluk in S.F.No.11/8, S.F.No.430/13 and S.F.No.430/7 in the name of the 9th and 10th Defendant along with the names of the 15th and 16th Defendants. Ex.B12 is the downloaded copy of the Patta in Patta No.1196 in respect of the property in S.F.No.430/8 in Thogaimalai Village, Kulithalai Taluk which is standing in the name of the 9th and 10th Defendants along with others including the 15th and 16th Defendant as well.

82) Ex.B13 is the downloaded copy of the Patta in Patta No.1197 in respect of the property in Thogaimalai Village, Kulithalai Taluk in S.F.No.11/5 which is standing in the name of the 9th and 10th Defendants along with the others including the name of the 15th and 16th Defendants. Ex.B14 is the certified copy of the Manaivari Thoraya Patta in Patta no.877 issued by the Headquarters Deputy Thasildar, Kulithalai and certified by the VAO, Kulithalai on 09.01.2014 in respect of the property in S.F.No.261 which is standing in the name of the Defendants No.9 and 10.

83) Ex.B15 is the certified copy of the order of the Hon'ble High Court in WMP(MD)No.1 of 2014 in WP(MD) No.15146 of 2014. Upon perusal of the order copy of the Hon'ble High Court in Ex.B15, it is seen that the Hon'ble High Court has passed an interim stay in respect of the order passed by the Revenue Divisional Officer, Kulithalai dated 19.08.2014. Ex.B16 is the Web copy of the order passed by the Hon'ble High Court in Crl.O.P.(MD) No.446 of 2016. Upon perusal of the said Ex.B16 order passed by the Hon'ble High Court, it is seen that the Hon'ble High Court had quashed the complaint in C.C.No.189/2015 which was pending on the file of the Learned Judicial Magistrate No.I, Kulithalai dated 21.11.2015. Upon perusal of the above said order, it could be seen that the 1st Plaintiff herein namely

Arunachalam had filed a complaint before the Judicial Magistrate Court No.I, kulithalai regarding the alleged fraudulent Patta obtained by the 9th and 10th Defendants in respect of the suit property by claiming themselves to be the legal heirs of the deceased Rajamani and it has been observed by the Hon'ble High Court that in the absence of details as to who are the legal heirs of the deceased Rajamani, it would not be appropriate for the Learned Magistrate to take the complaint on file and issue a summons and thereby ordered the private complaint filed by the 1st Plaintiff herein against the 9th and 10th Defendants to be quashed.

84) Ex.B17 is the certified copy of the order passed by the learned Judicial Magistrate No-I (FAC), kulithalai dated 07.08.2019 in C.C.No.189/2015 which was filed by the 1st Plaintiff herein against the 9th to 16th Defendants along with others. Upon perusal of the said order, it is seen clear that as the above C.C.No.189/2015 was quashed by the Hon'ble Madurai Bench of Madras High Court, the learned Judicial Magistrate had closed the above case and ordered accordingly. Ex.B18 is the true copy of the closure report filed by the Land Grabbing Cell, Karur District before the Hon'ble Judicial Magistrate No.I, Kulithalai. Upon perusal of the said Ex.B18, it is seen that in respect of the private complaint filed by the 1st Plaintiff herein against the Defendants No.9 to 16 along with others, the Inspector of Police, Land Grabbing Cell, Karur District had filed his closure report before the Learned Judicial Magistrate No-I Kulithalai by stating that as the dispute between the parties are civil in nature, this private complaint had no prima facie case and the same need not required to be further investigated and thereby filed the above said closure report.

85) Ex.B19 is the certified copy of the registered sale deed dated 27.01.1997. Upon perusal of the above said sale deed, it is seen that the above said sale deed was executed by Rajamani W/o.Manickam in favour of one Kathayee W/o.Vellaisamy in respect of the vacant site situated in the property in S.F.No.264/6 in Thogaimalai Village, kulithalai Taluk to an extent of 100 Sq.ft out of the total extent of Hec.0.02.5

Ares and also the vacant site situated in S.F.No.264/1 in Thogaimalai Village, Kulithalai Taluk out of the total extent of hec.0.79.5 Ares to an extent of 2706 Sq.ft and in total to an extent of 2806 Sq.ft vacant site within the specified four boundaries as mentioned therein and also mentioned about the East-West and North-South extents as well for the said property. It is further seen that the above said property were excluded from the 3rd and 4th item of the suit property herein in this suit and it is also seen that the said Rajamani had specified in the above sale deed that the said property as mentioned in the description therein she is given patta in patta no.337 which absolutely belongs to her mother Nallammal as her ancestral property and after her demise, the said property was succeeded by Rajamani as the legal heir of Nallammal. Ex.B20 is the ceritifed copy of the registered sale deed dated 29.11.1995 executed by the deceased Rajamani in favour of one A.Subbaiya in respect of the properties situated in Thogaimalai Village, Kulithalai Taluk in Patta No.337 in S.F.No.264/1 out of extent Hec.0.79.5 Ares which is Acre 1.96 Cents to an extent of Hec.0.02.0 Ares which is Acre 0.05 Cents alone and the property in S.F.No.264/6 out of the total extent of Hec.0.02.5 ares which is Acre 0.06 Cents only to an extent of Acre 0.05 ½ Cents and in total to an extent of Hec.0.02.5 ½ Ares which is Acre 0.05 ½ Cents within the specified four boundaries and for a valuable sale consideration.

86) Ex.B21 is the certified copy of the death certificate of the deceased Manickam, who is the husband of Rajamani. Upon perusal of the Ex.B21, it is seen that the said Manickam was died on 31.08.1972 and the said Manickam is the son of Palanimuthu Goundar. Ex.B22 is the Web copy of the order passed by the Hon'ble High Court of Madras, Madurai Bench in W.P.(MD) No.15146 of 2014 dated 10.07.2023. Upon perusal of the said order copy, it is seen that the above said Writ petition was filed by the 10th Defendant herein against the revenue officials and the 1st Plaintiff herein thereby challenging the order passed by the Revenue Divisional Officer dated 19.08.2014 who cancelled the Legal Heirship Certificate issued by the Thasildar,

Kulithalai in favour of the 9th and 10th Defendants herein. Upon perusal of the above order copy, it is also seen that the Hon'ble High Court had observed that as the Writ Court can not decide the relationship of the parties the parties, will have to independently establish their claim only before the jurisdictional civil court by filing an appropriate declarative suit, thereby disposed the above said Writ petition by granting liberty to the 10th Defendant to move the jurisdictional civil court and ordered accordingly.

87) Ex.B23 is the certified copy of the registered mortgage deed dated 01.02.1919 executed by one Karuppa goundar in favour of Chellandi Pillai thereby mortgaging certain property as specified therein. Upon perusal, it is seen that the said karuppa goundar had mortgaged property which is situated in Thogaimalai Village, Kulithalai Taluk S.F.no.99/2 to an extent of Acre 1.52½ Cents, in respect of the property in S.F.no.99/3 to an extent of Acre 2.06 Cents, in respect of the property in S.F.no.99/4 to an extent of Acre 1.97 ½ Cents, in respect of the property in S.F.No.104 to an extent of Acre 1.93 Cents out of total Acre 68.37 Cents along with some other property.

88) Ex.B24 is the certified copy of the registered sale deed dated 06.03.1935 executed by Rayappa Goundan for himself and on behalf of his minor son Karuppa Goundar as guardian and father in favour of one Chellandi pillai. Upon perusal of the sale deed, it is seen clear that the said Rayappa Goundan had redeemed the mortgage placed by his father Karuppa Goundan on 01.02.1919, who mortgaged property to the said Chellandi pillai in Ex.B23. By redeeming the said mortgage, the said Rayappa Goundan had sold certain property as specified therein to the said Chellandi pillai thereby redeemed the earlier mortgage made by his father Karuppa Goundan in Ex.B23. It is also seen that in the above said redemption cum sale deed in Ex.B24, it is seen that the said Rayappa Goundan has sold the property situated in Thogaimalai village, Kulithalai Taluk in S.F.No8/1 to an extent of Acre 0.83 Cents, in S.F.No.11/1 to an extent of Acre 0.52 Cents out of the total Acre 69.19 Cents along with the right

in common well in S.F.No.11/1 to a share of $\frac{1}{4}$ in the above said well and in S.F.no.8/1 in the common Tamarind tree to $\frac{1}{4}$ share were also sold through the above said sale deed by the said Rayappan. Ex.B25 is the information given by the District Collector, Karur dated 13.12.2022 for the information sought for by the son of the 9th Defendant under the Right to Information Act in respect of the resettlement register in respect of the property in S.F.no.8/1 and S.F.no.8/2 in Thogaimalai Village, Kulithalai Taluk. It is also seen that along with the said information, the certified copy of the resettlement register extract in respect of the property in S.F.No.8/1 and S.F.No.8/2 in Thogaimalai Village, Kulithalai Taluk was also attached there with. Upon perusal, it is seen that in respect of the above said property in S.F.No.8/1 to an extent of Acre 0.83 Cents, the name of minor Rayappan and in respect of the S.F.No.8/2 to an extent of Acre 0.79 Cents, the name of V.Nalla Goundar S/o.Sadaikutty @ Karuppayee was specifically mentioned therein.

89) Ex.B26 is the certified copy of the registered sale deed dated 14.11.1984. Upon perusal of the above said sale deed, it is seen that the above sale deed was executed by the deceased Nallammal W/o.Manicka Goundar along with her daughter Rajamani in favour of one Ponnusamy Goundar and one Maruthayee thereby sold the property in S.F.No.8/2 to an extent of Acre 0.79 Cents in full by the above said sale deed with specified four boundaries therein. It is also seen that the said Rajamani and Nallammal had sold the above said property by contending it as the property of the father of the deceased Rajamani namely Nalla Goundar. Ex.B27 is the death certificate of the deceased Rajamani dated 18.05.2012. It is seen that the said Rajamani was died on 12.05.2012 in Puthu Kallupatti, Thogaimalai Village, Kulithalai Taluk, Karur district and it was also registered. It was also seen that the name of the husband of the deceased Rajamani was shown as Manickam.

90) This apart, DW1 in his chief examination affidavit had reiterated his case as mentioned by them in the written statement filed by the 9th Defendant in the above suit as well. DW1 in his cross examination had himself admitted as to the

relationship of the 1st Plaintiff Arunachalam with the deceased Rajamani as alleged by the Plaintiffs in this suit. Therefore, the relationship of the 1st Plaintiff with the deceased Rajamani was admitted by the 9th Defendant as DW1 in his cross examination. Further DW1 had also admitted as to the fact that prior to the death of Rajamani, her husband Manickam predeceased her about 20 years ago. He further admitted that Palanimuthu Goundar is the father of the Manickam. He also admitted as to the genealogy filed by the Plaintiff and no way contradicted or denied as to the same. He further admitted that the Rajamani had no son or daughter and she died issueless.

91) Further, DW1 had admitted that the Rajamani had died intestate without any Will. Moreover, DW1 had also admitted that at the time of death of the deceased Rajamani, it is the 1st Plaintiff who had done and performed of the last rites and rituals for the deceased Rajamani as true. This apart, DW1 had also admitted that while applying for the Legal Heir Certificate deceased Rajamani, the 9th and 10th Defendants had themselves represented as the sons of the brother the deceased Rajamani. Further DW1 had also admitted that based on the Legal Heirship Certificate obtained by the Defendants No.9 and 10 from the Thasildar, kulithalai for the deceased Rajamani, the Defendants No. 9 and 10 had subsequently obtained patta for the suit property with the help of the above said Legal Heir Certificate of Rajamani and subsequently entered into three registered general power of attorney deeds as well as three registered sale agreements in favour of the Defendants No.11 to 16 herein as well.

92) This apart, on the side of the Defendants No.17 to 19 herein one Chinnadurai, who is the 18th Defendant in this suit was examined as DW2. DW2 in his chief examination affidavit has reiterated the contentions raised in their written statement in the above suit as well. However, DW2 in his cross examination had remained un rebutted and uncontradicted as to the relationship of the 1st Plaintiff and the 1st Defendant with the deceased Rajamani and as to the genealogy filed by the Plaintiffs

in the above suit. DW2 had not admitted as to the relationship of the 9th and 10th Defendants with the deceased Rajamani as alleged by them in their written statement. No documents were marked on the side of the Defendants No. 17 to 19 in the above suit. Hence, Defendants side evidence was closed with DW2.

93) Upon careful consideration of the submissions made on both sides and the deposition of the witnesses and the documents exhibited on both sides, it is seen clear that the deceased Rajamani was died on 12.05.2012 and the death of the deceased Rajamani was admitted by both parties and the same was also proved by Ex.A4 Death Certificate of Rajamani W/o.Late Manickam. It is also an admitted fact by both the parties that the husband of the Rajamani namely Manickam pre-deceased Rajamani and the Rajamani and Manickam had no direct legal heir such as sons or daughters. Moreover, it has been established on the side of the Plaintiffs that the 1st Plaintiff Arunachalam, the 1st Defendant Pappathi and one Kulanthaivel are the legal heirs of one Nallusamy S/o. Palanimuthu Goundar. The Plaintiff had also established through uncontradicted oral testimony that the said Palanimuthu Goundar got four sons and one daughter namely Nallusamy, Kanthasamy, Karuppannan, Manickam and Nallammal and it has also been admitted by the 9th Defendant as DW1 in his cross examination. Moreover, of the above four brothers, the said Manickam married to Rajamani. The said fact was also admitted by both the parties. Both parties have also admitted to the fact that the said Nallammal was married to one Nalla Goundar and they have got a child namely Rajamani. Therefore, the relationship of the 1st Plaintiff, 1st Defendant and One Kulanthaivel with that of the deceased Rajamani was established by the Plaintiffs as mentioned by them in their genealogy by way of an uncontradicted and unrebutted oral testimony. Moreover, the relationship of the Plaintiffs and the 1st Defendant with that of the deceased Rajamani was also admitted by the 9th and 10th Defendants who have mainly contested the stand taken by the Plaintiffs.

94) However, in respect of item no.1 to 7 of the suit property, the Plaintiffs have contended that the above said property belongs to Rajamani absolutely by way of the Ex.A2 registered Will executed by the mother of Rajamani namely Nallammal in her favour and the said Rajamani had been the absolute owner of the item no.1 to 7 of the suit property herein. However, upon perusal of the Ex.A2 certified copy of the registered Will executed by Nallammal in favour of Rajamani, it has been stated by Nallammal that the item no.1 to 7 of the property herein belongs to her husband and after his demise, the Nallammal had succeeded to the entire property of her husband and she thereby given those property by way of the above said registered Will in favour of her daughter Rajamani. Therefore, it could be seen from the very Will that the item no.1 to 7 of the suit property belongs to Rajamani through her father. However, after the demise of her father Nalla Goundar, in respect of item no. 1 to 7 of the suit property which belongs to his father ancestrally, the mother of Rajamani namely Nallammal had no absolute right over the same to dispose such property by way of a registered Will. As in respect of the property which belongs to her husband Nalla Goundar both the Nallammal and her daughter Rajamani would equally be entitled to get the property of the Nalla Goundar as his legal heirs. However, the Nallammal is only having the right to dispose her half share of the property which belongs to Nalla Goundar and the remaining half share of the property absolutely belongs to Rajamani. Therefore, this Court is of the view that the said Nallammal had no absolute title and right over the item no.1 to 7 of the suit property to dispose it by way of Will in favour of Rajamani. However, she is having only right to dispose her half share by way of her Will. Moreover, the original of the Ex.A2 Will was not produced by the Plaintiffs herein and the above said Will though admitted by the parties herein was not at all proved in accordance with law as the Will being a document which requires compulsory attestation and it has to be compulsorily proved by calling upon and examining one of the attesting witnesses atleast to prove the same as required by law. Therefore, the Plaintiffs had failed to prove the Ex.A2 Will.

95) Though the Plaintiff had failed to prove the Will in Ex.A2, this Court is of the view that as the item no.1 to 7 of the property belong to the father of Rajamani namely Nalla Goundar, after his demise and after the demise of the wife of Nalla Goundar namely Nallammal, absolutely those properties would definitely fell to the share of Rajamani only and in respect of the item no. 1 to 7 of the suit property, the Rajamani is deemed to have been inherited the same from her father and mother respectively.

96) This apart, Ex.A20 registered sale deed certified copy would also clearly shows that the property in S.F.No.898/3 was actually had been in the joint possession and enjoyment of the said 1st Plaintiff, Rajamani, Kulanthaivel and others as ancestral property and they have jointly executed the above said sale deed in favour of one Gandhi out of the total extent of Acre 5.13cents only to an extent of Acre 3.00 Cents within the specified four boundaries as mentioned therein. The above sale deed shows that in respect of item no.10 of the suit property, the 1st Plaintiff, one Kulanthaivel who is the brother of the 1st Plaintiff, the deceased Rajamani and others have been in the joint possession and also it is seen that it is their joint family property. This apart, in respect of the 10th item of suit property in S.F.No.898/3 to an extent of Hec.2.07.5 Ares, the revenue documents such as the Chitta is standing in the name of Kulanthaivel and 1st Plaintiff Arunachalam which shows their possession over the suit property. Therefore, with the above documents and with the uncontradicted oral testimony of the witnesses, the Plaintiffs have established that the deceased Rajamani is none other than the 1st Plaintiff's father's brother's wife and the 1st Plaintiff, one Kulanthaivel and one Pappathi, who is the 1st Defendant herein are the husband's brother's sons and daughter of the deceased Rajamani. Therefore the Plaintiffs have established their relationship with the deceased Rajamani with that of the 1st Plaintiff, Kulanthaivel and Pappathi, the 1st defendant herein. Therefore, this court is of the view that the 1st Plaintiff, the 1st Defendant and one Kulanthaivel who

is the father in law of the 2nd Defendant and father of the 5th Defendant herein are the next available legal heirs of the deceased Rajamani through her husband.

97) This apart, the Defendants No.2 to 4 had alleged that the said Rajamani when she was alive, she had no issues therefore, the Rajamani had adopted the elder son of the said Kulanthaivel who is the brother of the 1st Plaintiff namely, Nallusamy as her son and it is also contended by the Defendants No.2 to 4 that the said Rajamani had executed a Will in favour of the Defendants no.2 to 4 thereby giving life estate to the 2nd Defendant and other rights to the Defendants No.3 and 4 in respect of the suit property. However, in order to prove the above facts, the above defendants had not produced the above said Will nor they have established the fact that Rajamani had adopted the Nallusamy S/o.Kulanthaivel. Therefore, this court is of the view that the Defendants No.2 to 5 had failed to prove the fact that the Rajamani had adopted the Nallusamy who is the son of the above said Kulanthaivel as alleged by them and about the alleged will.

98) Moreover, the Defendants No.2 to 5 herein had also filed a suit before this Court in O.S.no.115/2012 and the certified copy of the Judgment and Decree was produced by the parties herein. Upon perusal of the Judgment and decree of the above suit in O.S.No.115/2012, it is seen that though the Defendants No. 2 to 5 herein have claimed that they are the only legal heirs of the deceased Rajamani and claimed that they are the absolute owners of the suit property by way of Will executed by the deceased Rajamani in their favour, subsequently the Defendants No.2 to 5 herein had failed to proceed with the above suit rather they have defaulted in appearing before this Court and hence, the above suit was dismissed for default of the Defendants no.2 to 5 herein. The above facts would clearly show that the Defendants No.2 to 5 had not come forward to establish their rights and claim as alleged by them in their written statement as well as in the above suit in their plaint.

99) This being so, on the side of the Defendants No.9 and 10 they have themselves alleged that they are the only legal heirs of the deceased Rajamani in respect of the item no.1 to 8 of the suit property through her father side and alleged to have been the owner of the suit item no.1 to 8 of the suit property. The Defendants have produced the death certificate of one Rayappa Goundan S/o.Karuppa Goundar, it is seen that the said Rayappa Goundar S/o.Karuppa Goundar was died on 14.08.1987. It is also seen that one Karuppannan S/o.Rayappan was also died on 30.01.1999. Further, the Defendants no.9 and 10 had exhibited the resettlement register extract in Ex.B4 in respect of the 3rd item of the suit property in S.f.No.264/1 to an extent of Acre 1.96 Cents which is standing in the name of minor Rayappan and minor NallaGoundar. By way of the said resettlement register extract, the 9th and 10th Defendants would submit that as the 3rd item of the suit property in S.F.No.264/1 is jointly standing in the name of the said Rayappan who is none other than the grandfather of the Defendants No.9 and 10 jointly with one Nalla Goundar who is the father of the Rajamani, both of them have common right over the same as they are the sons of one and the same person namely Vellaiyan @ Karuppa Goundar.

100) This apart, the Learned Counsel for the Defendants No.9 and 10 would also submit that in the above said resettlement register extract in respect of the property in S.F.No.8/1 and S.F.No.8/2 in Thogaimalai Village, Kulithalai Taluk the above said names such as Rayappan and Nalla Goundar were taken place in the resettlement register extract and he had contended that the above said property also belonged to the said Rayappan and Nalla Goundar as they being the sons of one Vellaiyan @ karuppa Goundar.

101) Upon perusal of the Ex.B4 resettlement register extract, it could be seen clear that in respect of the property in S.F.No.8/1 in Thogaimalai Village, Kulithalai Taluk to an extent of Acre 0.83 Cents, the said property was standing in the name of the minor Rayappan S/o.Malaiyammal as her guardian and the property in S.F.no.8/2 in the above said Village to an extent of Acre 0.79 Cents was standing in the name of the

Nalla Goundar S/o.Sadaikutty @ Karuppayee and in respect of the property in S.F.No.264/1 to the total extent of Acre 1.96 Cents both of the names were found to be appearing.

102) This apart, in respect of the property in S.F.No.264/1 to the total extent of Acre 1.96 Cents which is the 3rd item of the suit property herein a chitta was standing in the name of the Nallammal and Karuppannan in respect of the fasili year of 1388 and the certified copy of the said Chitta was exhibited on the side of the Defendants as Ex.B5. This apart, for the said Karuppannan S/o.Rayappan, the legal heirship certificate was produced by the Defendants as Ex.B6 which shows the 9th and 10th Defendant alone as the only legal heirs and sons of the said Karuppannan S/o.Rayappan.

103) With the help of the above resettlement register extract, the Learned Counsel for the Defendants No.9 and 10 would submit before this Court that the Ex.B23 registered mortgage deed dated 01.02.1919 was executed by one Karuppa Goundar in favour of Chellandipillai, in respect of the 3rd item of the suit property herein namely the S.F.No.264/1 old S.F.No.99/4 to an extent of Acre 1.97 $\frac{1}{2}$ Cents in total along with other property as well which are not the suit property herein. The said Karuppa Goundan who is alleged to be the great grand father of the Defendants No. 9 and 10 had mortgaged the property to one Chellandi Pillai. The Defendants No. 9 and 10 had contented that in respect of the suit property, the said Karuppa Goundar who is none other than the Vellaiyan @ Karuppa Goundan had absolute right over the same and the source of the such property have been raised to the origin of the said Vellaiyan @ Karuppa Goundan only. This apart, the Learned Counsel for the Defendants no. 9 and 10 would also submit that by way of Ex.B24 registered sale deed dated 06.03.1935 executed by Rayappan for himself and for minor son of Karuppa Goundan as guardian thereby sold certain property to Chellandi Pillai have sold the property in S.F.No. 8/1 to an extent of Acre 0.83 Cents and the property in S.F.No. 11/1 in Thogaimalai Village, Kulithalai Taluk to an extent of Acre 0.52 Cents along

with other property as well. It is also seen that the above said sale deed in Ex.B24 was executed by the said Rayappan by way of redeeming the earlier mortgage done by his father Karuppa Goundan in Ex.A23 mortgage deed.

104) It is also seen that though the said Rayappan had redeemed the property which had been mortgaged by his father by way of Ex.B23 mortgage deed by way of Ex.B24 sale deed, he had sold certain portion of property which absolutely belonged to their family only in respect of the property in S.F.No. 8/1 to an extent of Acre 0.83 Cents along with other property which are not at all the suit property herein. However, when comparing the said document with that of the settlement register extract as filed by the Defendants in Ex.B24 it could be seen that in respect of the property in S.F.No. 8/1 in Thogaimalai village, to an extent of Acre 0.83 Cents the said property alone was standing in the name of Rayappan S/o.Malaiyammal as guardian. However, S.F.No. 8/2 to an extent of Acre 0.79 Cents alone was standing in the name of Nalla Goundar S/o.SadaiKutty @ Karuppayee as a guardian. This fact clearly shows that S.F.No. 8/1 which was standing in the name of Rayappan belongs to the Rayappan's family and the same was no way connected to the suit property herein. At the same time the property in S.F.No. 8/2 which is shown to be the property of Nalla Goundan who is the father of the Rajamani is the property which belongs to the Rajamani's father by which Rajamani had executed a registered sale deed in Ex.B26 in favour of one Ponnusamy Goundar and one Marudhayee thereby sold entire property in S.F.No. 8/2 which was standing in the name of Nalla Goundar as shown in the resettlement register extract to an total extent of Acre 0.79 Cents. The above fact would clearly show that the property which belongs to Rayappan in S.F.No. 8/1 was sold by the said Rayappa Goundar for himself and on behalf of minor son Karuppa Goundar to one Sellandipillai and the property in S.F.No. 8/2 which was standing in the name of Nalla Goundar who is the none other than the father of deceased Rajamani was subsequently sold by Rajamani by way of Ex.B26 registered sale deed to the parties as mentioned therein.

105) Both the name of the above two persons such as Rayappan and Nalla Gounder which were shown in the respect of the property S.F.No.8/1 and 8/2 respectively would no way prove the case of the Defendants No.9 and 10 that the said Rayappan and the said Nalla Gounder are none other than the sons of the deceased Vellaiyan @ Karuppa Gounder.

106) However, by way of the Ex.B23 registered Mortgage deed, it could be seen clear that the said Karuppa Goundan has mortgaged the entire extent of the 3rd item of the suit property to some other person along with other property. However this itself would not show the absolute title of the said Karuppa Goundan over the entire item no.1 to item no.10 of the suit property at any point of time. Mortgage can be made by any person even when he is in lawful possession to the suit property. The above said mortgage made by Karuppa Goundan in Ex.B23 mortgage deed would no way give absolute right or absolute title over the 3rd item of the suit property or other items of the suit property with the said Karuppa Goundar.

107) It is also seen clear that by way of Ex.B24 registered sale deed, the son of the said Karuppa Goundar namely Rayappan, had redeemed the mortgage by way of selling some other property which belonged to them absolutely. It is also seen that the above mortgage was redeemed by Rayappa Goundan S/o.Karuppa Goundan and the said Rayappa Goundar had sold the property which belonged to them in respect of S.F.No.8/1 to an extent of 0.83 Cents in Thogaimali Village, Kulithalai Taluk as shown in the resettlement extract register. It is also been established on the side of the Defendants no.9 and 10 that the said Rayappa Goundar is none other than the father of Karuppa Goundar by way of Ex.B24 registered sale deed. Subsequently, the Defendants No.9 and 10 have also established the fact that one Karuppa Goundar S/o. Rayappan had two sons who are none other than the Defendants No.9 and 10. Though the Defendants No.9 and 10 had established the fact that they are the legal heirs of the said Karuppa Goundan and the said Karuppa Goundan is the legal heir of the Rayappan and the above said Rayappan is the legal heir of one Karuppa Goundan,

the Defendants No.9 and 10 had failed to establish and to show before this Court that how that Karuppa Goundan who is the father of Rayappa Goundar is connected to the Nalla Goundar who is the father of the deceased Rajamani.

108) The Defendants No.9 and 10 had alleged that the Karuppa Goundan had another name called Vellaiyan. But no documents had been produced by the Defendants no.9 and 10 to show and to prove the fact that the said Karuppa Goundan who is the father of Rayappan and one Vellaiyan are one and the same person and the Karuppa Goundan was called in his another name Vellaiyan. This being so, the Defendants No.9 and 10 had also contented that the said Vellaiyan @ Karuppa Goundan had two wives namely Malaiyammal and Sadaikutty @ Karuppayee and for the said Malaiyammal, Rayppan is their son and for the said Sadaikutty @ Karuppayee Nalla Goundar is their son. However, though the names of Rayappan S/o Malaiyammal and Nalla Goundar S/o.Sadaikutty @ Karuppayee were shown in the resettlement extract register, the Defendants No.9 and 10 had failed to show that they both are the sons of one Vellaiyan @ Karuppa Goundan and the said Vellaiyan @ Karuppa Goundan had two wives as alleged by the Defendants No.9 and 10. The relationship of the deceased Rajamani with the Defendants No.9 and 10 was not at all established by the Defendants No. 9 and 10 and moreover, the relationship of the deceased Rajamani with the Defendants No. 9 and 10 and the relationship as specified by them in the genealogy were not at all admitted on the side of the Plaintiffs.

109) This apart, it could be seen clear that the Defendants No. 9 and 10 had approached the revenue officials and thereby obtained the legal heir certificate of the deceased Rajamani on 06.09.2013 by claiming themselves to be the sons of the brother of the deceased Rajamani. Ex.B6 is the original legal heir certificate obtained by the Defendants No. 9 and 10 for the deceased Rajamani. It shows clear that they had themselves personated as brother's sons of the deceased Rajamani and obtained such legal heir certificate.

110) It could also be seen that the Defendants No. 9 and 10 had taken a totally different stand of relationship in this suit with the deceased Rajamani and they have claimed themselves to be the legal heirs of the deceased Rajamani through her Father's brother's sons. Therefore, it is seen very clear that the defendants No.9 and 10 had not approached the revenue officials with clean hands and they have fraudulently represented themselves and obtained the legal heir certificate with the strange relationship with that of the one as alleged by them in this Suit. Therefore, this creates doubts in the minds of this Court as to whether the Defendants no.9 and 10 had approached this Court with clean hands and true facts.

111) Evenafter the same, by way of the said Ex.B6 legal heir certificate, the Defendants No.9 and 10 had subsequently got the patta name in their names in respect of the entire suit property. It is also seen that after having transferred patta in their names in respect of the suit property, the Defendants No.9 and 10 had entered into registered documents such as registered general power of attorney deeds (3 Nos.) and registered sale agreements (3 Nos.) in favour of the defendants No.11 to 16 herein. The above said facts were also admitted by the 9th and 10th Defendants. They have also admitted the facts that on the basis of the Ex.B6 legal heir Certificate only, patta in respect of the suit property were transfered to the names of 9th and 10th Defendants and subsequent documents such as general power of attorney deeds (3 Nos.) and registered sale agreements (3 Nos.) were registered by the 9th and 10th Defendants with the help of the above said legal heir certificate alone and the patta in their favour obtained on the basis of the said legal heir Certificate in respect of the suit property, in favour of the defendants No.11 to 16 herein. All the above facts were admitted by the defendants No.9 and 10.

112) This being so, this Court is of the view that the defendants No.9 and 10 have not come before this Court with clean hands. This apart, the above said legal heir certificate existing in the names of the 9th and 10th Defendants for the deceased Rajamani in Ex.B6 was cancelled by the RDO, Kulithalai and against such

cancelation order, it is seen that the defendants No.9 and 10 had approached the Honourable High Court by way of a Writ Petition and the Honourable High Court had passed an order by observing that as the dispute is relating to the relationship of the parties, the Writ Court has no jurisdiction and closed the above writ petition by granting liberty to the 9th and 10th Defendants herein to approach the appropriate jurisdictional Civil Court to decide as to the legal heirship status of themselves with the deceased Rajamani. It is also seen that, subsequently to the order of the Honourable High Court passed in the above writ petition, the Defendants No.9 and 10 had filed the suit in OS 102/2024 and the same was ordered to be tried jointly with this suit in OS 164/2012 by this Court as the disputes and the issues which are to be decided between the parties to the above two suits and the parties and the subject matter were more or less similar to each other.

113) This being so, the Defendants No.9 and 10 had not produced any other revenue documents in respect of the other items of the suit property and they have not at all produced any documents to show their possession apart from the patta which had been obtained by them after getting such legal heir Certificate by taking a different stand of relationship than the one alleged in this suit. Therefore, this Court is of the view that though the settlement extract register had shown the name of Rayappan and Nalla Gounder in respect of the 3rd item of the suit property, it is seen clear that the entire extent of the 3rd item of the suit property was mortgaged by one Karuppa Gounder who is none other than the father of the Rayappan. But, the same was subsequently redeemed by Rayappan by way of selling some other property which are no way connected to the suit property. The Document which is existing in the name of the great grand father of the defendants No.9 and 10 in respect of the 3rd item of the suit property alone that to a mortgage deed, would no way absolutely confer title over the said 3rd item of the suit property or the entire suit property, with the said Karuppa Gounder, who is the father of the Rayappan. Therefore, this Court is of view that the defendants No.9 and 10 had failed to establish before this Court that one

Karuppa Goundar is the great grandfather of the Defendants No. 9 and 10 is also called as Vellaian and the said Vellaian had two wives and through the 1st wife, the Defendants No. 9 and 10 are the great grand sons and through the 2nd Wife, the said Nalla Goundar is the son and the said Rajamani is the grand daughter. The Defendants had also failed to establish their relationship with the deceased Rajamani in this case.

114) Therefore, from the above facts and circumstances of the case and with the above observations this Court has come to the conclusion that the 1st Plaintiff, the 1st Defendant and one Kulanthaivel are the legal heirs one Nallusamy who is none other than the sons of brother of the deceased Rajamani's husband Manickam and the relationship of the deceased Rajamani with the 1st Plaintiff, 1st Defendant and one Kulanthaivel was also established by the plaintiffs. This Being so, as the Rajamani died without any direct Legal Heir such as husband, father, mother, son or daughter, this Court is of the view that at time of the death of the deceased Rajamani, it was only the 1st Plaintiff, the 1st Defendant, who are Rajamani's husband's brother's son and daughter were alive and it is seen that though the said Kulanthaivel who is the brother of the said 1st Plaintiff and the 1st Defendant and he was no more at the time of death of the Rajamani, it is seen clear that for the said Kulanthaivel his sons namely Nallusamy and Senthil were found to be his legal heirs. Therefore, this Court is of the view that for the said Rajamani the 1st Plaintiff, 1st Defendant, the deceased Nallusamy S/o. Kulanthaivel and the Senthil (5th Defendant) herein S/o.Kulanthaivel are all held to be the only existing legal heirs as on the date of the deceased Rajamani. As the above said Nallusamy S/o. Kulainthaivel died leaving behind himself, the Defendants No.2 to 4 herein, this Court is of the view that the Defendants No.2 to 4 are also considered to be the legal heirs of the deceased Rajamani as of now. Moreover, as the defendants No.9 and 10 had failed to establish their relationship with the deceased Rajamani, this Court is of the view that the defendants No.9 and 10 are not considered to be the legal heirs of the deceased

Rajamani as alleged by them. Therefore, the additional issue in OS No.164/2012 is answered in favour of the Plaintiff and the issue No.1 in OS.No.102/2024 is answered negatively and against the defendants No.9 and 10 herein and the issue No.1 in OS.No.102/2024 is hereby answered in favour of the Plaintiffs herein.

115) Issues No.3 and 5 in OS.No.102/2024

As the Defendants No.9 and 10 had failed to establish their relationship with the deceased Rajamani, this court is of the view that the defendants No.9 and 10 are not entitled to the relief of declaration of legal status as prayed for by them in OS.102/2024. When the Defendants No.9 and 10 are not entitled to the relief of declaration of their legal status with the deceased Rajamani, this Court is of the view that the Defendant No.9 and 10 are not entitled to the relief of Mandatory Injunction as prayed for in the above suit. Therefore, the issue No.3 and 5 in OS 102/2024 are all answered negatively and against the defendants No.9 and 10.

116) Issues No.4 and 6 in OS No.102/2024

As the Plaintiffs had established before this Court as to the legal heirship status of the deceased Rajamani with the 1st Plaintiff, 1st Defendant and with the deceased Kulanthaivel, this Court is of the view that the legal heirs of the 1st Plaintiff and the legal heirs of the 1st Defendant, along with the legal heirs of the deceased Kulanthaivel are all entitled to the relief of declaration of their legal status as the legal heirs of the deceased Rajamani. Therefore, the issue No.4 in O.S.No.102/2024 is answered in favour of the Plaintiffs by molding the relief by holding that for the deceased Rajamani, the Plaintiffs No. 2 to 3 herein, the Defendants No.17 to 19 herein and the Defendants No. 2 to 5 herein are all considered to be the legal heirs of the deceased Rajamani. As this Court has declared the legal heirship status of the Plaintiffs herein and the 1st Defendant herein, this Court is of the view that the Plaintiff are entitled to the relief of Mandatory Injunction as prayed for them. The

Tahsildar, Kulithalai is hereby directed to issue with the legal heirship certificate of the deceased Rajamani in favour of the Plaintiffs No. 2 to 3 herein, along with the Defendants No. 2 to 5 and Defendants No. 17 to 19 as well. Therefore, the issue no. 4 and 6 in O.S.No. 102/2024 are answered in favour of the Plaintiffs by molding the relieves.

117) Issue No. 1 and 2 in O.S.No. 164/2012:

Upon perusal of the documents exhibited on the side of the Plaintiffs herein, it could be seen that the suit property absolutely belonged to one Rajamani and the said fact was admitted by the both the parties herein. This being so, this court has decided that the Plaintiffs herein and the Defendants No. 1 to 5 and the Defendants No. 17 to 19 being the legal heirs of the deceased Rajamani, it is obvious that the suit property would automatically succeeded to the estate of her next available legal heirs, who are none other than the 1st Plaintiff and the 1st Defendant along with one Kulanthaivel. As the above said Kulanthaivel who is the brother of the 1st Plaintiff and the 1st Defendant, were no more at the time of death of Rajamani, his sons such as Nallusamy and the 5th Defendant Senthil herein only were alive, this Court is of the view that the suit property would absolutely belongs to the 1st Plaintiff, the 1st Defendant and Kulanthaivel and subsequently after their death, to their legal heirs namely the Plaintiffs No. 2 to 3, the Defendants No. 17 to 19 and the Defendants No. 2 to 5 respectively. Moreover, at the time of filing of this suit by the 1st Plaintiff against the 1st Defendant and others, the plaintiff has alleged that he had been in the joint possession and enjoyment of the suit property as a joint family manager consisting of the 1st Plaintiff as well as the 1st Defendant together. This fact was admitted by the 1st Plaintiff in his cross examination as well. This being so, this Court is of the view that the 1st Plaintiff, the 1st Defendant had been in the possession and enjoyment of the suit property as the revenue records were also replicating their names as well in respect of the suit property and this Court, upon perusal of the documents on hand, is of the view that the Plaintiffs, the Defendants No. 1 to 5 and

the Defendants No. 17 to 19 are the joint owners in respect of the suit property as they are the legal heirs of the deceased Rajamani. As they are held to be the legal heirs deceased Rajamani, they are deemed to be the joint owners and deemed to have been in the joint possession and enjoyment of the suit property. Hence, issue no.1 in O.S.No.164/2012 is answered in favour of the Plaintiffs as prayed for by them by molding the relieves.

118) As this Court had come to the conclusion that the suit property absolutely belonged to the Plaintiffs and the Defendants No. 1 to 5 and Defendants No. 17 to 19 herein, the Plaintiffs is entitled to the relief of declaration of the suit property along with the 1st Defendant and the Defendants No. 2 to 5 and the Defendants No. 17 to 19 who are the legal heirs of the 1st Defendant. Therefore, the issue no. 2 in O.S. No.164/2012 is answered in favour of the Plaintiffs by molding the relieves.

119) Issue no. 3 in O.S.No. 164/2012

The 1st Plaintiff had at the time of filing of this suit alleged that the Defendants No. 2 to 5 had tried to interfere with the peaceful possession and enjoyment of the suit property with the 1st Plaintiff and sought for the relief of Permanent Injunction in respect of the same against the Defendants No. 2 to 5. As this Court had come to the conclusion that the Defendants No. 2 to 5 are also the joint owners of the suit property with the Plaintiffs and the Defendants No. 1 and 17 to 19 herein, being the joint owners, the Plaintiff is not entitled to the relief of Permanent Injunction in respect of the suit property against the Defendants no. 2 to 5 herein. Therefore, the issue no. 3 in O.S. No.164/2012 is answered negatively and against the Plaintiffs.

120) Issue No. 4 in O.S.No. 164/2012

The Plaintiff had also alleged that the Defendants No. 2 to 4 had obtained Patta in Patta no. 802, 337, 1996, 1197 in respect of the suit property and therefore sought for the relief of Mandatory Injunction thereby directing the 6th and 7th Defendants to

cancel such Patta in the name of Defendants No. 2 to 4 and to issue Patta for the suit property in the name of the 1st Plaintiff and the 1st Defendant. This being so, the Defendants no. 2 to 4 had failed to establish their independent absolute title over the suit property by way of contesting this suit or by producing the will allegedly executed by the deceased Rajamani in their favour before this Court. As the Defendants No. 2 to 4 had failed to establish their independent absolute title over the entire suit property, this Court is of the view that the Patta which had been obtained by the Defendants No. 2 to 4 in respect of the entire suit property are not considered to be valid documents at all. However, the Plaintiffs along with the Defendants No. 1 to 5 and the Defendants No. 17 to 19 are considered to be the joint owners of the suit property as held by this Court, they are equally entitled to get Patta as well in respect of the suit property by approaching the appropriate revenue authorities by applying before themselves and obtain the same. Therefore, this Court is of the view that though the Defendants No. 2 to 4 had no independent absolute right over the entire suit property rather they only have joint ownership along with the other Plaintiffs and the Defendants No. 2 to 5 and 17 to 19 herein, this Court can not have the power to direct the revenue officials to cancel the revenue documents such as Patta or to alter or to issue certain Patta in favour of certain specific persons. Moreover, this Court is of the view that it is the official duty of the revenue officials to grant Patta or to cancel the same accordingly. Moreover, this Court has held that the Plaintiffs and the Defendants No. 1 to 5 and Defendants No. 17 to 19 are the joint and absolute owners of the suit property herein, they are always and at all time entitled to get the revenue records to be transferred in their name at any point of time with the help of this declaration made by this Court. As this Court cannot direct the revenue officials to cancel the Patta and to issue Patta in favour of a specific person, this Court is of the view that the Plaintiffs are not entitled to the relief of Mandatory Injunction as prayed for by them. Hence, the issue no. 4 in O.S.No. 164/2012 is answered negatively and against the Plaintiffs.

121) Issue No. 5 in O.S.No. 164/2012

The Defendants No. 9 and 10 had claimed themselves to be the absolute owner of item no. 1 to 8 of the suit property on the basis of their relationship as alleged by them with the deceased Rajamani. As this Court had already decided that the Defendants No. 9 and 10 are not the owners of the item no. 1 to 8 of the suit property at all, as the Defendants No. 9 and 10 had failed to establish their right and title over the item no. 1 to 8 of the suit property and this Court had already decided the title of the entire suit property in favour of the Plaintiffs and others, the issue no. 5 in O.S. No. 164/2012 is answered against the Defendants No. 9 and 10.

122) Issue no.6 in O.S.no. 164/2012 and issue No. 7 in O.S.no.102/2024

After having determined all the above issues in both the suits by this Court, this Court is of the view that the parties are not entitled to any further relieves.

Result:

With the above observations, this suit in O.S.No. 164/2012 is partly decreed for the following relieves:

1) The Plaintiffs are entitled to the relief of declaration that the suit property absolutely belongs to the Plaintiff, the Defendants No. 2 to 5 and the Defendants No. 17 to 19 herein by molding the relief as prayed for.

2) However, the Plaintiffs are not entitled to the relief of Permanent Injunction in respect of the suit property against the Defendants No. 2 and 5 and the Plaintiffs are not entitled to the relief of Mandatory Injunction against the Defendants No. 6 and 7 as prayed for.

3) The suit in O.S.No. 102/2024 is dismissed and the Defendants no. 9 and 10 are not entitled to any of the relieves sought for by them in the above suit in O.S.No. 102/2024. However, the counter claim in O.S.No. 102/2024 is decreed and

the Plaintiffs No. 2 to 4 herein along with the Defendants No. 2 to 5 and the Defendants No. 17 to 19 herein are declared to be the only legal heirs of the deceased Rajamani as prayed for them in the counter claim by molding the relief.

4) The Plaintiffs No. 2 to 4 herein are also entitled to the relief of Mandatory Injunction as sought for by them in the counter claim in O.S.No. 102/2024.

5) The Tahsildar, Kulithalai is hereby directed to issue with the Plaintiffs herein, the Legal Heirship Certificate of the deceased Rajamani along with the Defendants No. 2 to 5 and 17 to 19 herein.

6) There shall be no order as to costs.

Dictated to my steno-typist, directly typed by her in the computer, corrected by me and pronounced by me in the open court on this the 27th day of February 2026.

**Additional District Munsif,
Kulithalai.**

List of Witnesses examined on the side of the Plaintiffs:

PW1- Arunachalam

PW2 – Perumal

PW3 – Selvam

List of Witnesses examined on the side of the Defendants No. 9 and 10:

DW1- Vellaisamy

DW2-Chinnadurai

List of documents marked on the side of the Plaintiff:

Ex.A1 - The Genealogy Table

Ex.A2 06.01.1993 The Certified copy of the registered Will

Ex.A3	25.06.2012	The acknowledgment receipt for the application given to the District Collector, Karur
Ex.A4	28.06.2012	The legal notice
Ex.A5	30.06.2012	The rectification notice
Ex.A6	-	The Original Acknowledgement Card (11 Nos.)
Ex.A7		The Acknowledgement Card and the Postal Notice
Ex.A8	11.07.2012	The Reply notice
Ex.A9	-	The Certified copy of the Plaint in O.S No.115/2012
Ex.A10	07.06.2017	The Certified copy of the decree in O.S No.115/2012 passed by this Court
Ex.A11		The Certified copy of the judgment in O.S.No.115/2012 passed by this court
Ex.A12	17.01.2014	The Certified copy of the registered general power of attorney deed
Ex.A13	17.01.2014	The certified copy of the registered general power of attorney deed
Ex.A14	17.01.2014	The certified copy of the registered general power of attorney deed
Ex.A15	19.02.2014	The certified copy of the registered sale agreement
Ex.A16	19.02.2014	The certified copy of the registered sale agreement

- Ex.A17** 19.02.2014 The certified copy of the registered sale agreement
- Ex.A18** 18.04.2014 The Advocate Notice
- Ex.A19** The postal acknowledgement receipt (8 Nos.)
- Ex.A20** 18.08.2008 The certified copy of the registered sale deed
- Ex.A21** The original voter ID card
- Ex.A22** The certified copy of Chitta
- Ex.A23** 19.08.2014 The orders passed by the Revenue Divisional Officer, Kulithalai
- Ex.A24** 18.05.2012. The original Death Certificate of the deceased Rajamani W/o.Manickam
- Ex.A25** The Aadhar Card copy of the PW2

List of documents marked on the side of the Defendants No.9 and 10:

Ex.B1		The Genealogy
Ex.B2		The Death Certificate of Rayappa Goundar S/o.Karuppa Goundar.
Ex.B3	03.02.1999	The Death Certificate of Karuppannan S/o.Rayappan.
Ex.B4	27.02.2013	The certified copy of the resettlement register extract
Ex.B5		The true copy of the Chitta
Ex.B6		The Legal Heirship Certificate of the deceased Karuppannan S/o.Rayappan.

Ex.B7		The certified copy of the written statement in O.S.No.115/2012
Ex.B8		The certified copy of the Judgment in O.S.No.115/2012
Ex.B9		The Legal Heirship Certificate of the deceased Rajamani W/o.Manickam
Ex.B10		The downloaded copy of the Patta in Patta No.1618
Ex.B11		The downloaded copy of Patta in Patta No.2212
Ex.B12		The downloaded copy of the Patta in Patta No.1196
Ex.B13		The downloaded copy of the Patta in Patta No.1197
Ex.B14	09.01.2014	The certified copy of the Manaivari Thoraya Patta in Patta No.877
Ex.B15		The certified copy of the order of the Hon'ble High Court in WMP(MD)No.1 of 2014 in the WP(MD) No.15146 of 2014
Ex.B16		The Web copy of the order passed by the Hon'ble High Court in Crl.O.P.(MD) No.446 of 2016
Ex.B17	07.08.2019	The certified copy of the order passed by the learned Judicial Magistrate No-I (FAC), kulithalai.
Ex.B18		The true copy of the closure report
Ex.B19	27.01.1997	The certified copy of the registered sale deed
Ex.B20	29.11.1995	The certified copy of the registered sale deed
Ex.B21		The certified copy of death certificate of the deceased Manickam

Ex.B22	10.07.2023	The Web copy of the order passed by the Hon'ble High Court of Madras, Madurai Bench in W.P.(MD) No.15146 of 2014
Ex.B23	01.02.1919	The certified copy of the registered mortgage deed
Ex.B24	06.03.1935	The certified copy of the registered sale deed
Ex.B25	13.12.2022	Information given by the District Collector, Karur in respect of the resettlement register under the RTI Act.
Ex.B26	14.11.1984	The certified copy of the registered sale deed
Ex.B27	08.03.2013	The death certificate of the deceased Rajamani

**Additional District Munsif,
Kulithalai.**