

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.

Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munsif, Vadipatti

Dated this the 07th day of April 2026

CNR No.TNMD190001282025

O.S. No.118 / 2025

1. T. Prakashchandrasekaran,
S/o. Thangavel
2. T. Rameshkannan,
S/o. Thangavel
3. T. Velmurugan,
S/o. Thangavel

---- *Plaintiffs*

//Versus//

1. The District Collector,
District Collector Office, Madurai.
2. The Tahsildar,
Vadipatti Taluk, Madurai.
3. The Village Administrative Officer,
Palamedu.

---- *Defendants*

This suit was filed before this Court on 19.09.2025 coming before me for final hearing on 07.04.2026, Advocate Thiru. S. S. Kathiravan appeared for the Plaintiffs and Learned Government Pleader appeared for the Defendants. Upon hearing the arguments advanced by both sides' counsels and upon perusing the available material records, today this Court has delivered the following....

JUDGMENT

1. The plaintiffs filed this suit for declaration, to declare that the plaintiffs were the only surviving legal heirs of the deceased Tamilselvi and for costs.

2. *Plaint pleadings in brief:*

The case of the plaintiffs is that they, along with the deceased Tamilselvi, are the children of the deceased Thangavel and Jeyalakshmi. The said Tamilselvi was married to one Murugesan in the year 1999. Subsequently, both Tamilselvi and her husband Murugesan died intestate and without leaving behind any Class I legal heirs. In such circumstances, the plaintiffs submitted an application before the second defendant seeking issuance of a legal heir certificate in respect of the deceased Tamilselvi. However, the said application was returned by the second defendant on the ground that, since Tamilselvi was married to Murugesan, the plaintiffs were not entitled to obtain the legal heir certificate as a direct legal heirs of the deceased Tamilselvi, and they were advised to approach the competent civil court for appropriate relief.

3. *Written statement in brief:*

The defendants denied all the averments contained in the plaint and contended that, although the deceased Tamilselvi had no children during her marriage, her husband alone is the lawful legal heir of the deceased. Hence the plaintiffs shall establish their case on their own. The suit entire suit was filed with false facts and with extraordinary delay. Notice under section 80(2) of CPC was not given hence the plaint was subject to be dismissed.

4. On the perusal of plaint, written statement and entire records, issues were framed as follows,

I. Whether the plaintiffs are entitled for declaration as sought for?

II. Whether the plaintiffs are entitled for costs?

III. To what other reliefs?

5. The plaintiffs to prove their case had examined 3rd plaintiff as Pw.1, further marked Ex.A.1 to 10. Ex. A.1 to 3 were the Aadhar cards of 1 to 3 plaintiffs, Ex. A.4 to 6 were the death certificates of Jeyalakshmi, Tamilselvi and Murugesan, Ex.A.7 was the Legal Heir Certificate of Thangavel, Ex.A.8 was the Ration Card of Murugesan, Ex.A.9 was the Application dated 26.05.2025, Ex.A.10 was the Memorandum of 2nd defendant, dated 10.06.2025. The defendants did not let in any evidence on their side.

6. **Points for determination:**

Issue : I: Whether the plaintiffs are entitled for declaration as sought for?

i. The learned counsel for the plaintiffs submitted that the present suit has been filed seeking a declaration that the plaintiffs are the legal heirs of the deceased Tamilselvi, who was the sister of the plaintiffs. It was contended on behalf of the plaintiffs that Tamilselvi died intestate on 19.07.2023 without leaving any children, and that her husband, Murugesan, was predeceased. Therefore the plaintiffs being the siblings of the deceased Tamilselvi were entitled to be declared as her legal heirs. On the otherhand, the learned counsel for the defendants, while admitting that the deceased Tamilselvi had no children, contended that the plaintiffs, being only the brothers of the deceased, cannot be treated as Class I legal heirs. It was further argued that the suit has been filed on false grounds and is vitiated by inordinate delay. Hence, it was prayed that the plaint be dismissed.

ii. On perusing the entire records, the plaintiffs have examined Pw.1, to prove their case. The plaintiff also marked Ex.A.1 to 10, among the documents;

- Ex. A.1 to 3 were the Aadhar cards of 1 to 3 plaintiffs shows the relationship of the plaintiffs with the deceased Thangavel.
- Ex. A.4 to 6 were the death certificates of Jeyalakshmi, Tamilselvi and Murugesan – shows the death of Jeyalakshmi, Tamilselvi and Murugesan
- Ex.A.7 was the Legal Heir Certificate of Thangavel – disclose that the plaintiffs and the deceased Tamilselvi were the legal heirs of the deceased Thangavel.
- Ex.A.8 was the Ration Card of Murugesan – shows that the Murugesan and Tamilselvi had no children
- Ex.A.9 was the Application dated 26.05.2025 – shows that the plaintiffs made an application before the 1st defendant for issuance of legal heir certificate for the deceased Tamilselvi
- Ex.A.10 The Memorandum of the second defendant dated 10.06.2025 discloses that the second defendant passed an order refusing to issue a legal heir certificate to the plaintiffs on the ground that they are not the direct legal heirs of the deceased Tamilselvi, in view of her marriage with one Murugesan.

It is pertinent to note that the defendants have not adduced any oral or documentary evidence to controvert or disprove the evidence let in on behalf of the plaintiffs. Consequently, the evidence of the plaintiffs remains unchallenged and unrebutted.

iii. From the pleadings set out in the plaint, this Court finds that the deceased Tamilselvi and the plaintiffs are the children of Thangavel and Jeyalakshmi. The said Tamilselvi was married one Murugesan. It is further established that Tamilselvi died on 19.07.2023 intestate and without leaving any children and her husband Murugesan was also died. The same has been substantiated by Ex.A.6, the death certificate of

Murugesan, and Ex.A.8, the family ration card, which discloses that only the names of Tamilselvi and Murugesan were recorded therein. These facts have been duly proved through the testimony of Pw.1 and have also been admitted by the defendants in their pleadings. In such circumstances, this court holds that the plaintiffs, were the surviving heirs of Tamilselvi. Upon a careful appreciation of the entire oral and documentary evidence on record, this Court finds that the plaintiffs have successfully established their status as the legal heirs of the deceased Tamilselvi. Further, on perusal of the records, it is evident that the requirement of issuance of notice under Section 80(2) of the Code of Civil Procedure had been dispensed with by this Court. Therefore, the contention of the defendants regarding non-issuance of such notice is unsustainable and devoid of merit.

iv. Accordingly, Issue No. I is answered in favour of the plaintiffs.

Issue:II and III Whether the plaintiffs are entitled for costs and To what other relief parties are entitled?

The plaintiffs filed this suit for declaration, it was decided in their favor. Further considering the facts and circumstances of the case, the plaintiffs are not entitled for costs and any other reliefs.

7. ***In the result***, the suit is decreed by declaring the plaintiffs were the legal heirs of the deceased Tamilselvi, no costs.

Judgment directly dictated to the Stenographer and computerized error checked and Pronounced by me in open court this the ***07th day of April 2026***.

District Munsif,
Vadipatti.

O.S. No.118/2025

Plaintiffs side evidence :

Pw.1 – T. Velmurugan

Plaintiffs side documents :

Ex. A.1	Aadhar card of 1 st plaintiff	Copy compared with original
Ex. A.2	Aadhar card of 2 nd plaintiff	Copy compared with original
Ex. A.3	Aadhar card of 3 rd plaintiff	Copy compared with original
Ex. A.4	Death Certificate of Jeyalakshmi	Copy compared with original
Ex. A.5	Death Certificate of Tamilselvi	Copy compared with original
Ex. A.6	Death Certificate of Murugesan	Copy compared with original
Ex. A.7	Legal Heir Certificate of Thangavel	Copy compared with original
Ex.A.8	Ration Card of Murugesan	Copy compared with original
Ex.A.9	Application dated 26.05.2025	Xerox Copy
Ex.A.10	Memorandum of 2 nd defendant, dated 10.06.2025	Certified Copy

Defendants side witness and documents : Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT
Vadipatti.
FAIR JUDGMENT
O.S. No.118/2025
Date : 07.04.2026