

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Wednesday the 25th day of March, 2026

O.S.No.51/2022

CNR No: TNSV060000602022

1. Velammal

2. Devappan

3. Chithiravelu

4. Rethinam

5. Muthulakshmi

6. Sulochana

7. Arumugam

8. Kottaiammal

9. Muthulakshmi

10. Mariyappan

11. Saratha

...Plaintiffs

-Vs-

1. The Tahsildar, Devakottai,

2. The District Collector, Sivagangai,

...Defendants

This suit came up on 10.03.2026 for a final hearing, before me in the presence of V.Sundar, learned advocate for the Plaintiffs, the Government Pleader Thiru.K.Ponmudi learned advocate for the Defendants and having stood over till this day for consideration, this court delivered the following...

JUDGMENT

The suit has been filed seeking prayer of Declaration

1. The averments in the plaint in brief as follows:

The suit has been filed seeking to declare the legal heirs of the deceased Subbaiah who died in the year of 1992. The plaintiffs states that the deceased Subbaiah had Kunjaram (deceased mother), Singammal (deceased 1st wife), Balausamy (deceased 3rd son of his 1st wife) along with the plaintiffs as legal heirs. The plaintiff states that the 3 to 5 plaintiffs are the legal heirs of the deceased Balusamy and the 1 to 7 plaintiffs are the children of the deceased Subbaiah and his 1st wife Singammal and the 8 to 11 plaintiffs are the children of the late Subbaiah and his 2nd wife Perumaiye. The family genealogy of the plaintiffs are produced as document number 1 and the death certificate of Subbaiah is produced as document number 2. The death certificate of the Subbaiah's 1st wife Singammal and his son Balusamy and his legal heir certificate are produced as document numbers 3 to 5 respectively. When an application was filed to the defendants for the legal heir certificate of the deceased Subbaiah, the same was rejected by the defendants stating that the deceased Subbaiah had two wives. Hence, the plaintiffs have filed this suit before the court, praying to declare the plaintiffs, along with the deceased's 1st wife, his mother and his deceased 3rd son as legal heirs of the deceased Subbaiah. He has also produced the rejected application copy as document number 6 and the aadhar card copies and ration card copy of the plaintiff as document numbers 7,8 respectively. Hence, he prays for the suit to be decreed.

2. Averments in the written statement filed by the 3rd defendant:

The defendant has denied the contentions of the plaint and stated that the said deceased Subbaiah had married his 1st wife Singammal and had

Velammal, Sulochana, Devappan, Balusamy, Arumugam as children. Out of which Balusamy has died and the 3 to 5 plaintiffs are the legal heirs of the said Balusamy and they are not the direct legal heirs of the deceased Subbaiah. The above said Subbaiah, when his 1st wife was alive has married her sister Perumaiye as his 2nd wife and had Kottaiammal, Mukulakshmi, Saratha and Mariappan as legal heirs and the said Subbaiah has died in the year of 1992. The defendant has also stated that as per the circular number 01.01.2017 dated 09.08.2017 if a person has more than one husband or wife the Tahsildar cannot grant the legal heir certificate and the concerned person should approach the appropriate court and get the proper remedy. Hence, he prays for the suit to be dismissed.

3. Issues framed:

1. Whether the plaintiffs are entitled to the relief of declaration as claimed for ?
2. To what other relief?

4. The evidence adduced by the Plaintiffs:-

a. **Oral Evidence**

The plaintiffs in order to prove their case has examined the 2nd plaintiff Devappan as PW1 and has marked the Exhibit A1 through him. They have also examined the 4th plaintiff Rethinam as PW2 and no exhibits were marked through her. They have also examined one Mr. Nagarajan as PW3 and no exhibits were marked through him.

b. **Documentary Evidence**

To substantiate their case the plaintiff has marked the following:-

- (I) Exhibit A1 is the Aadhar card copy of the 2nd plaintiff.

5. The evidence adduced by the Defendants:-

- a. **Oral Evidence :** Nil

b. **Documentary Evidence:** Nil

6. Discussion:-

a) Issue No.1:

1. Whether the plaintiffs are entitled to the relief of declaration as claimed for ?

(i). It is the claim of the plaintiffs that they are the legal heirs of the deceased Subbaiah and the said Subbaiah had died in the year of 1992. Hence, the burden of proving the same is on the plaintiffs. The plaintiffs in order to prove their case has examined three witnesses and marked one document. The PW1 in his examination in chief has deposed that deceased Subbaiah had his mother Kunjaram, his 1st wife Singammal and his 3rd son Balusamy along with the plaintiffs as legal heirs. He stated that the 1 to 4 plaintiffs are the children of the said Subbaiah and his 1st wife, while the 5 to 8 plaintiffs are the children of the said Subbaiah and 2nd wife Perumaiye. He has also deposed that the said Subbaiah had died in the year of 1992 and an application filed by the plaintiffs for the legal heir certificate to the defendants was rejected stating that the deceased had two wives. Similarly, the PW2 who is the 4th plaintiff has also deposed regarding the same and has deposed that the deceased Subbaiah had 11 childrens. But during the questioning by the court the witness has deposed that the said Subbaiah had 9 children namely Velammal, Devappan, Chithiravelu, Rethinam, Muthulakshmi, Sulochana, Arumugam, Kottaiammal, Muthulakshmi, Mariyappan and Saratha. The PW3 who is the 3rd party to this suit has in his examination in chief deposed with respect to how the deceased had two wives and how they had the plaintiffs as the legal heirs. He has also deposed as to how the defendants have rejected the legal heir application given by the plaintiffs. On perusal of all the evidences on the side of the plaintiffs it becomes clear that the deceased

Subbaiah had 9 children and a mother and two wives and his 3rd son Mr. Balusami has died, whose children have been added as the 3 to 5 plaintiffs respectively. All these facts have been admitted by the defendants in their written statement. Hence, there is no issue with respect to the same and admitted facts need not be proved. The suit has been filed seeking to declare the plaintiffs along with the mother of the deceased, the 1st wife of the deceased, the son of the deceased who are all deceased to be declared as the legal heirs of said Subbaiah. It is to be taken note of that the children of the deceased Balusamy has already been added as parties in the main suit. Hence, both the said deceased Balusami and his children cannot be declared as legal heirs of the deceased Subbaiah. Moreover, persons who are already dead cannot be declared as legal heirs and since the legal heirs of the deceased son have been included as plaintiffs, there is no need to declare the said deceased persons as legal heirs also. Hence the court finds it fit to declare the 1 to 11 plaintiffs alone as the legal heirs of the deceased Subbaiah and the court finds no good reason to declare the deceased persons as legal heirs. Hence this issue is answered accordingly.

b) Issue No.2:

2. To what other relief?

Apart from the relief stated above the parties are not entitled to any other relief. Hence the issue is answered accordingly.

7. Decision:

In the end, the suit is partly decreed and the 1 to 11 plaintiffs alone are hereby declared as legal heirs of the deceased Subbaiah. No order as to cost.

This judgment was dictated by me, typed by the Steno typist, corrected by me and pronounced by me in the open Court on 25th day of March 2026.

sd/-Tmt.R.Premi

**District Munsif,
Devakottai.**

Plaintiff side witness:

PW1 - Devappan

PW2 - Rethinam

PW3 - Nagarajan

Plaintiffs side witness:

(I) Exhibit A1 is the Aadhar card copy of the 2nd plaintiff.

Defendants side witness: Nil

Defendants side documents: Nil

sd/-Tmt.R.Premi

**District Munsif,
Devakottai.**