



1

**IN THE COURT OF DISTRICT MUNSIF
BODINAYAKANUR.**

Present : Thiru.A.Mohamed Hashim, B.A.,B.L.,

District Munsif, Bodinayakanur.

Friday, the 03rd day of July 2026

O.S.No.21/2026

CNR No.TNTH120000312026

1. K.Pandiyar

2. K.Duraikannu (Died)*

3.K.Seenivasagan

4.S.Jaya

5.K.Samykannu

6.R.Jakkammal

.... Plaintiffs

- Vs -

1.The Tahsildar,

Bodinayakanur

2. The District Collector,

Theni District.

....Defendants

(Amended as per IA No.2/2026, dated:22.06.2026)*

This suit was taken on file on 18.03.2026 and was coming on 30.06.2026 before me for final hearing, in the presence of Mr.P.Ganesan, Learned Counsel for the plaintiffs and the defendants were set exparte on 24.04.2026. Upon perusing the



case records and having stood over for consideration till this day, this Court hereby delivered the following...

JUDGMENT

1. The plaintiffs have filed the suit seeking declaration that the plaintiffs and late Kamaraj are the legal heirs of deceased Kattanna Nayakkar.

2. The case of the plaintiff in brief:-

i) The deceased Kattanna Nayakkar had two wives, namely, Boommammal and Pallakondammal. The plaintiffs 1 to 3 are the children born to Kattanna Nayakkar through his first wife Boommammal. The plaintiffs 4 to 6 and the deceased Kamaraj are the children born to Kattanna Nayakkar through his second wife Pallakondammal. Kattanna Nayakkar died on 20.06.1990. His first wife Boommammal died on 10.11.1990 and his second wife Pallakondammal died on 24.06.2021. Kamaraj, the son of Kattanna Nayakkar through his second wife, died on 13.07.2015.

ii) The plaintiffs intended to alienate the properties belonging to the deceased Kattanna Nayakkar and, for that purpose, the concerned authorities directed the plaintiffs to produce the legal heirship certificate. Accordingly, the 1st plaintiff submitted an application seeking issuance of a legal heirship certificate. The said



application came to be rejected by the 1st defendant on the ground that Kattanna Nayakkar had two wives and that only the Civil Court has jurisdiction to declare the legal heirs of the deceased Kattanna Nayakkar. Hence, the present suit.

3. Upon taking the suit on file, this Court ordered summons to the defendants, returnable by 24.04.2026. Despite due service of summons, the defendants did not appear before this Court and were set ex parte on 24.04.2026. During the pendency of the suit, the 2nd plaintiff died on 09.03.2026. Since the interest of the deceased 2nd plaintiff is sufficiently represented by the other plaintiffs, his death alone came to be recorded.

4. To prove the case of the plaintiffs, the 1st plaintiff was examined as PW1 and Ex.A1 to A11 have been marked through him. The 3rd plaintiff was examined as PW2 and no documents were marked through him.

5. The point for consideration is whether the plaintiffs and late Kamaraj alone are the legal heirs of late Kattanna Nayakkar or not?

6. The learned counsel for the plaintiffs reiterated the averments set out in the plaint and took this Court through the oral and documentary evidence adduced on the side of the plaintiff.

7. This court carefully considered the submissions made by the learned



counsel for the plaintiffs and perused the materials available on records.

8. Upon perusal of the materials available on record, it is seen that Kattanna Nayakkar died on 20.06.1990 and his death certificate has been marked as Ex.A1. The death certificate of his first wife Boommmammal has been marked as Ex.A2, which would show that she died on 10.11.1990. The death certificate of his second wife Pallakondammal has been marked as Ex.A3, which would show that she died on 24.06.2021. The death certificate of Kamaraj has been marked as Ex.A4, which would show that he died on 13.07.2015. The rejection order issued by the 1st defendant rejecting the application for issuance of legal heirship certificate has been marked as Ex.A5. The Aadhar Cards of the plaintiffs marked as Ex.A6 to Ex.A11 would show that they are the children of Kattanna Nayakkar. The oral testimony of PW1 also remains unchallenged.

9. Admittedly, the marriage between Kattanna Nayakkar and Pallakondammal was contracted during the subsistence of the marriage between Kattanna Nayakkar and his first wife Boommmammal. Therefore, the second marriage is void under the provisions of the Hindu Marriage Act. However, by virtue of Section 16 of the Hindu Marriage Act, the children born through such void marriage are legitimate and are entitled to succeed to the estate of their parents.



Therefore, the plaintiffs 4 to 6 and the deceased Kamaraj, being the children born to Kattanna Nayakkar through Pallakondammal, are the legal heirs of Kattanna Nayakkar.

10. It is also evident from Ex.A1 and Ex.A2 that on the date of death of Kattanna Nayakkar on 20.06.1990, his first wife Boommammal was alive. Under Section 8 of the Hindu Succession Act, the widow and the children of the deceased are Class-I heirs and succeed simultaneously. Therefore, on the death of Kattanna Nayakkar, his legal heirs were his first wife Boommammal, the plaintiffs 1 to 3, who are the children born through Boommammal, and the plaintiffs 4 to 6 along with the deceased Kamaraj, who are the children born through Pallakondammal.

11. Though the plaintiffs have omitted to include the name of Boommammal in the prayer, the Court is not precluded from moulding the relief. Once the materials available on record clearly establish that Boommammal was also a Class-I legal heir of Kattanna Nayakkar on the date of his death, the declaration cannot be confined only to the plaintiffs. The relief has to be moulded so as to reflect the correct legal position.

12. In view of the foregoing discussion, this Court is of the view that the plaintiffs are entitled to a declaration that the deceased Boommammal, the plaintiffs



and the deceased Kamaraj are the legal heirs of the deceased Kattanna Nayakkar.

Considering the nature of the relief sought for, there shall be no order as to costs.

In the result, this suit is partly decreed. The late Boommammal, the plaintiffs and the late Kamaraj are hereby declared as the the legal heirs of the deceased Kattanna Nayakkar, S/o. Saami Nayakkar, who died on 20.06.1990. There shall be no order as to costs.

Dictated to the steno typist, transcribed by her corrected, and pronounced by me in open Court, on the 03rd day of July 2026.

District Munsif,
Bodinayakanur.

Plaintiffs' Side Witness:-

1. PW1 – K.Pandiyar (1st Plaintiff)
2. PW2- K.Seenivasagan (3rd Plaintiff)

Plaintiff Side Documents:-

1.	20.06.1990	Ex.A1	Copy of Death Certificate of Kattanna Nayakkar	Xerox (Compared with Original)
2.	10.11.1990	Ex.A2	Copy of Death Certificate of Bommammal	Xerox (Compared with Original)
3.	24.06.2021	Ex.A3	Copy of Death Certificate of	Xerox



			Pallakundammal	(Compared with Original)
4.	13.07.2015	Ex.A4	Copy of Death Certificate of Kamaraj	Xerox (Compared with Original)
5.	11.12.2025	Ex.A5	Copy of Rejection order	Original
6.	-	Ex.A6	Copy of Aadhar Card of the 1 st Plaintiff.	Xerox (Compared with Original)
7.	-	Ex.A7	Copy of Aadhar Card of the 2 nd Plaintiff.	Xerox (Compared with Original)
8.	-	Ex.A8	Copy of Aadhar Card of the 3 rd Plaintiff.	Xerox (Compared with Original)
9.	-	Ex.A9	Copy of Aadhar Card of the 4 th Plaintiff.	Xerox (Compared with Original)
10.	-	Ex.A10	Copy of Aadhar Card of the 5 th Plaintiff.	Xerox (Compared with Original)
11.	-	Ex.A11	Copy of Aadhar Card of the 6 th Plaintiff.	Xerox (Compared with Original)

Defendants' side Witness and Documents:- Nil

District Munsif,
Bodinayakanur.



OS No.21/2026
Fair / Judgment
Date: 03.07.2026.