



**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
UTHUKULI**

Present : Thiru. B.Dharaneether., B. A., L L M.,
District Munsif cum Judicial Magistrate,
Uthukuli.

Dated : Tuesday, the 30th day of April, 2024.

O.S. No. 23 of 2021
(CNR NO. TNTI23 – 000093 -2021)

Tr.M.Kamalesh,

: Plaintiff

/Vs/

1.The State of Tamilnadu Rep by
District Collector, Tiruppur

2.The Tahsildar, Uthukuli.

: Defendants

This suit having coming up on 30.04.2024 for final hearing before me in the presence of Thiru.P.Karuppusamy, B.Com., B.L., advocate for the plaintiff and Thiru.K.Kumaravel M.A., B.L., Government Pleader for the defendants. Upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following.

J U D G M E N T

This is a suit for declaration of heirship.

PLAINTIFF'S CASE:

2. M. Kamalesh, the plaintiff, asserts that he is the adopted son of the deceased Marappa Gounder and his wife Periyammal. It was stated that,



Marappa Gounder and Periyammal adopted him due to their inability to have children. Following the adoption, they formally raised Kamalesh as their own son. It was stated that the Periyammal predeceased her husband on 13.12.2001. It was followed by death of Marappa Gounder on 07.04.2018, leaving behind the plaintiff alone to succeed to his estates.

3. When the plaintiffs approached the 2nd defendant for the legal heirship certificate of said Marappa Gounder, the same was rejected by the 2nd defendant for the reason the petitioner is a adopted son and . Hence, this suit for declaring plaintiffs to be legal heir of deceased Marappa Gounder and Periyammal.

DEFENDANT'S CASE

4. On the side of the defendants it was contended that the plaintiff is put to strict proof of the plaint averments and prayed to dismiss the suit with cost.

ISSUES IN THE SUIT

5. On the basis of the pleadings of the parties the following issues were framed.

- i). Whether the Periyammal died within the jurisdiction of this Court ?
- ii). Whether Marappa Gounder died within the jurisdiction of this Court ?
- iii). Whether the plaintiff is legal heir of deceased Periyammal and Marappa Gounder ?
- iv). Whether the plaintiff is entitled for the relief of declaration ?
- v). To what other reliefs ?



DISCUSSION, DECISION AND REASONS THEREOF:

6. During the course of the trial the plaintiff adduced evidence of three witness and exhibited eleven documents. On side of defendant one witness was examined and exhibited one document.

Issue 1 to 5

7. I have heard the learned counsel for the plaintiffs and defendants and perused the materials on record. The issued 1 to 3 being inter related they are answered together.

8. Plaintiff Tr.Kesavan was examined as P.W.1 vide proof affidavit, reiterating the contents in the plaint. On side of plaintiff, 11 documents including aadhar card of P.W.1, transfer certificate of P.W.1, family card of Marappa Gounder, voter ID card of Marappa Gounder, community certificate of Marappa Gounder were produced to show that Marappa Gounder and Periyammal were mentioned as the parents of P.W.1 in the above documents. The death certificate of Periyammal and Marappa Gounder were also produced to show that they died at Sengalipalayam and Nadupatti villages, respectively, i.e., within the jurisdiction of this Court. The unregistered Will of Marappa Gounder was also exhibited as Ext.A11 to show that he has bequeathed properties to P.W.1 mentioning him as son.

9. On the side of defendants, the Tashildar of Uthukuli was examined as DW1. Ext.B1 marked. The testimony of DW1 lead through proof affidavit also reveals that on his field inquiry he came to know that the P.W.1 is the adopted son of Periyammal and Marappa Gounder.



10. The plaintiff has presented substantial documentary evidence, including his Aadhar card, transfer certificate, family card, voter ID card all of which mention Marappa Gounder and Periyammal as his parents. The death certificates of Periyammal and Marappa Gounder further confirm their demise and establish the timeline within the court's jurisdiction. The unregistered Will of Marappa Gounder (Ext.A11) clearly indicates that Marappa Gounder treated Kamalesh as his son and intended for him to inherit his properties.

11. The Tashildar of Uthukuli (DW1), a government official, confirmed through his testimony that Kamalesh is indeed the adopted son of Periyammal and Marappa Gounder, based on a field inquiry. The rejection of the legal heirship certificate by the 2nd defendant solely on the grounds that Kamalesh is an adopted son is legally untenable. As per the Hindu Adoptions and Maintenance Act, 1956, an adopted child has the same rights as a biological child, including the right to be recognized as a legal heir.

12. Several judicial precedents support the rights of adopted children to inherit from their adoptive parents. The Supreme Court of India and various High Courts have consistently upheld the principle that adoption creates a complete transfer of the child from the family of his birth to the family of his adoption, conferring upon him the same rights and status as a natural-born child.

13. Considering the legal provisions, documentary evidence and testimonies, it is clear that M. Kamalesh, as the adopted son of Marappa Gounder and Periyammal, is entitled to be recognized as their legal heir. The



rejection of the legal heirship certificate by the 2nd defendant was based on an erroneous interpretation of the law. Therefore, the plaintiff M. Kamalesh, is entitled to the relief sought for declaring him as the legal heir of the deceased Marappa Gounder and Periyammal.

Accordingly, the issues are answered in favor of the plaintiff.

In result, this suit is decreed as follows,

- 1). It is hereby declared that the plaintiff Kamalesh is the legal heir of deceased Marappa Gounder and Periyammal.
- 2). No costs.

Prepare a decree accordingly.

Directly typed by me in my official laptop and pronounced by me in open court on 30th day of April 2024.

Sd/- Thiru. B.Dharaneether., B. A., L L M.,
District Munsif Cum Judicial Magistrate,
Uthukuli.

APPENDIX

Plaintiff side Witness :-

P.W.1	Tr. M.Kamalesh
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Plaintiff side exhibits :-

Ext.A1	Compared copy	Aadhaar Card of Plaintiff
Ext.A2	Compared copy	Transfer Certificate of plaintiff
Ext.A3	Compared copy	Nativity certificate of plaintiff



Ext.A4	Compared copy	Family card of Marappa gounder
Ext.A5	Compared copy	Election card of Plaintiff
Ext.A6	Compared copy	New Family card of Marappa gounder
Ext.A7	Original	Community Certificate of plaintiff
Ext.A8	Compared copy	Death Certificate of Periyammal
Ext.A9	Compared copy	Death Certificate of Marappa gounder
Ext.A10	Online Copy	Return Memo by the 2 nd defendant
Ext.A11	Original	The unregistered Will of Marappa Gounder dated 28.03.2018

Defendants Side Witnesses :

D.W.1	Tr. Rakkimuthu
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Defendants Side Exhibits :

Ext.B1	Original	Report of the Village Administrative Officer
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Sd/- Thiru. B.Dharaneether., B. A., L L M.,
District Munsif Cum Judicial Magistrate,
Uthukuli.