

IN THE COURT OF THE DISTRICT MUNSIF, PATTUKKOTTAI.

Present:-Tmt. S. Kavipriya, B.A., L.L.B.,
District Munsif,
Pattukkottai.

Wednesday, the 1st day of July 2026
(Thiruvalluvar Aandu - 2057, Prabhava Varudam, Aani Thingal 17th day)

O. S. No. 49 Of 2026

CNR No.TNTJ100000492026

1.Vanajothi

... Plaintiff

/Vs/

1. Kalaiyarasi

2. Sasikala

3. Mauriya

4. Vignesh

5. Tahsildhar,Pattukottai.

6. State of Tamil Nadu rep. By its

District Collector, Thanjavur.

... Defendants

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This suit has came up for final hearing on 24.06.2026, before this court in the presence of **Tmt. K. Karthika**, Advocate for the Plaintiffs and the 1st defendant to 4th defendant were called absent set exparte. **Thiru.K.Karthikeyan**, Govt. Pleader for the 5th defendant and 6th defendant. Arguments on both sides were heard, and upon perusal of the documents and evidence adduced by the Plaintiff, and having stood over till this day for consideration, this Court hereby delivers the following:

JUDGMENT

1. The suit has been filed by the plaintiff seeking a declaration that plaintiff and 2nd to 4th defendants are the legal heirs of the deceased Peramanathan along with other appropriate reliefs and costs.

2. Brief averments of the plaint :-

The suit has been filed by the Plaintiff seeking a declaration that she and Defendants 2, 3 and 4 alone are the lawful legal heirs of the deceased Peramanathan and that the 1st Defendant, being the second wife whose marriage was contracted during the subsistence of the Plaintiff's marriage with the deceased, is not entitled to inherit the estate of the deceased under law.

The Plaintiff states that the deceased Peramanathan died intestate on 11.09.2002 at Nattuchalai Village. The Plaintiff is his first wife, and the 2nd Defendant is their daughter. During the subsistence of the first marriage, the deceased allegedly contracted a second marriage with the 1st Defendant, through whom Defendants 3 and 4 were born. While the children born through the second marriage are entitled to succeed to the estate of their father, the 1st Defendant is not entitled to claim the status of a lawful legal heir.

The Plaintiff further submits that, for mutation of the revenue records and transfer of patta relating to the properties standing in the name of the deceased, a Legal Heir Certificate is necessary. When the Plaintiff applied for the issuance of the Legal Heir Certificate, the revenue authorities refused to issue the same on the ground that the deceased had two wives and advised the Plaintiff to obtain a declaration from the competent Civil Court.

Hence, the present suit has been instituted seeking a declaration that the Plaintiff and Defendants 2, 3 and 4 alone are the lawful legal heirs of the deceased Peramanathan, together with such consequential reliefs as this Hon'ble Court may deem fit and proper.

3. Written Statement of Defendants:-

1. The averments contained in the plaint filed by the plaintiff are wholly denied by this defendant. The suit filed by the plaintiff is false, frivolous, and based on distorted facts, and therefore liable to be dismissed in limine at the very threshold.

2. This defendant has no knowledge regarding the averments contained in Paragraph Nos. 1 to 8 of the plaint and, therefore, the plaintiff is put to strict proof of the same by producing proper and valid documentary evidence. The plaintiff is bound to prove with acceptable records that the deceased Peramanathan had two wives, namely that the first wife was Vanajothi and the second wife was Kalaiyarasi; that the 2nd plaintiff is the legal heir born to the first wife Vanajothi of the deceased Marimuthu; that the 3rd and 4th plaintiffs are the legal heirs born to the second wife Kalaiyarasi of the deceased Peramanathan; and also whether the parents of the deceased Peramanathan were alive or, if deceased, when they died, by producing appropriate documentary evidence before this Hon'ble Court.

3. It is true that the plaintiffs submitted an application before this defendant seeking issuance of Legal Heir Certificate in respect of the deceased Peramanathan. Upon scrutiny of the said application, since it was found that the deceased Peramanathan had two wives, this defendant advised the plaintiffs, by way of an official communication, to seek appropriate remedy before the competent Civil Court. Except the said fact, all other averments contrary to the same as stated in the plaint are specifically denied by this defendant.

4. The suit filed against this defendant and the 6th defendant is not maintainable in law, since no prior statutory notice as contemplated under Section 80 of the Code of Civil Procedure was issued before institution of the suit. Further, no relief whatsoever has been sought against this defendant and the 6th defendant in the plaint.

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to dismiss the suit as against this defendant and the 6th defendant, and thus render justice.

4. Upon careful consideration of the averments in the plaint, the pleadings in the written statement, and the documents produced on either side, the following issues were framed for trial.

i. Whether plaintiff and 2,3,4 defendants are alone legal heirs of deceased Peramanathan?

ii. Whether the plaintiff is entitled for declaration that plaintiff and 2,3,4 defendants are alone legal heirs of deceased Peramanathan?

iii. To what other reliefs?

5. In support of the case of plaintiffs one witness was examined and eight documents were marked. Defendants side no witnesses and no documents marked.

6. Issue No.1:-

i. Whether plaintiff and 2,3,4 defendants are alone legal heirs of deceased Peramanathan ?

According to the plaintiffs, the deceased Peramanathan had two wives, namely Vanajothi and Kalaiyarasi. 2nd defendant was born through the first wife Vanajothi and the 3rd defendant and 4th defendant was born through the 1st defendant Kalayarasi. It is the specific case of the plaintiffs that Peramanathan died intestate on 11.09.2002 and that they are his legal heirs. The plaintiffs further contend that the 1st defendant is not a legally wedded wife of the deceased, as the marriage was contracted during the subsistence of the first marriage, and therefore she is not entitled to claim the status of a legal heir. Hence, the plaintiff and 2nd defendant to 4th defendant have sought a declaration that they are the legal heirs of the deceased Peramanathan.

To substantiate their case, the 1st plaintiff was examined as PW1 and Exs.A1 to A8 were marked on the side of the plaintiff.

The records reveal that notice was duly served on the 1st defendant on 20.04.2026. Despite service of notice, the 1st defendant to 4th defendant failed to appear before the Court and was therefore set ex parte.

PW1 has deposed in line with the averments made in the plaint. Ex.A1 is the Death Certificate of the Peramanathan, which establishes his death. Ex.A2 is the Computer Acknowledgment slip. Ex.A3 is the computer order disputed by the 5th defendant. Ex.A4 is the Plaintiff's Aadharcard. Ex.A5 is the 2nd defendant Aadharcard. Ex.A6 is the 2nd defendant Aadharcard. Ex.A7 is the Defendant's Family Card. Ex.A8 is the 1,3, and 4th defendants Aadhar Cards.

The oral and documentary evidence adduced on the side of the plaintiff remains unchallenged and unrebutted.

In the absence of any contra evidence and in view of the uncontroverted testimony of PW1 coupled with Exs.A1 to A8, this Court finds that the plaintiff and 2nd defendant to 4th defendant have established their claim. Accordingly, this Court holds that the plaintiff and 2nd defendant to 4th defendant are the legal heirs of the deceased Peramanathan.

Hence, Issue No.1 is answered in favour of the plaintiff.

7. Issue No.2:-

ii. Whether the plaintiff is entitled for declaration that plaintiff and 2,3,4 defendants are alone legal heirs of deceased Peramanathan ?

It is an admitted position that the deceased Peramanathan died intestate. In such circumstances, the succession to his estate is governed by the provisions of the Hindu Succession Act, 1956. Section 8 of the Act provides that the property of a male Hindu dying intestate shall devolve upon the heirs specified in Class I of the Schedule to the Act. The children of the deceased are Class I heirs and are entitled to succeed to his estate.

In the present case, the plaintiffs have adduced the evidence of PW1 and marked Exs.A1 to A3. . Ex.A1 is the Death Certificate of the Peramanathan, which establishes his death. Ex.A2 is the Computer Acknowledgment slip. Ex.A3 is the computer order disputed by the 5th defendant. Ex.A4 is the Plaintiff' s Aadharcard. Ex.A5 is the 2nd defendant Aadharcard. Ex.A6 is the 2nd defendant Aadharcard. Ex.A7 is the Defendant's Family Card. Ex.A8 is the 1st, 3rd, and 4th defendants Aadhar Cards. The testimony of PW1 remains unchallenged and unrebutted. Further, though notice was served on the defendants on 20.04.2026, 1st to 4th defendants were called absent and were set ex parte.

The evidence available on record clearly establishes that the plaintiffs are the children of the deceased Peramanathan. There is no contra evidence to disbelieve their claim. Therefore, the plaintiff and 2nd defendant to 4th defendant fall within the category of Class I heirs under the Hindu Succession Act and are entitled to succeed to the estate of the deceased.

Accordingly, this Court holds that the plaintiff and 2nd defendant to 4th defendant are entitled to the declaration sought that they are the legal heirs of the deceased Peramanathan .

Hence, Issue No.2 is answered in favour of the plaintiff.

8. Issue No.3:

iii. To what other reliefs?

Since the necessary reliefs have already been granted in favour of plaintiffs no further relief is required to be granted. Hence, this issue is answered accordingly.

As a result, the suit is decreed without cost.

Directly dictated to the Steno-Typist typed by his, corrected and additions made by me and pronounced by me in open court on this the **Wednesday, the 1st day of July 2026.**

District Munsif,
Pattukkottai.

Plaintiff's Side Witness:-

P.W.1	Vanajothi
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Documents marked on the side of plaintiff:-

S.No	Date	Particulars	Remarks
1. Ex.A1	11.09.2002	Death Certificate of the Peramanathan	Original
2. Ex.A2	10.01.2026	Computer Acknowledgment slip	Copy
3. Ex.A3		The computer order diputed by the 5 th defendant	
4. Ex.A4		Plaintiff' s Aadharcard	Copy
5. Ex.A5		2 nd defendant Aadharcard	Copy
6. Ex.A6		Plaintiff's Family card	Copy
7. Ex.A7		Defendant's Family Card	Copy
8. Ex.A8		1,3, and 4 th defendants Aadhar Cards	Copy

Defendant's Side Witness:- - NIL-**Documents marked on the side Defendants :- - NIL-**

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