

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE,  
CHEYYAR, THIRUVANNAMALAI DISTRICT.**

Present : N.Suresh, M.L.,  
Principal Subordinate Judge,  
Cheyyar.

**Thursday the 05<sup>th</sup> day of March - 2026**  
**A.S.No.15/2024**  
**TNTM04-000405-2023**

1. Rajeeswari,  
2. Venkatesan, ....Appellants

//Versus //

1. Manjula,  
2. Suganya,  
3. Gayathri,  
4. The Manager, Indian Bank, Vazhikudai Branch,  
5. The Tahsildar, Cheyyar,  
6. Sathiya,  
7. Chithra, .... Respondents

On Appeal Against the Decree and Judgment Dated 28.11.2022 passed  
in O.S.No.87 of 2021 by the Principal District Munsif Court, Cheyyar.

**Between, O.S.No. 87 of 2021**

1. Rajeeswari,  
2. Venkatesan, ....Plaintiffs

//Versus //

1. Manjula,  
2. Suganya,  
3. Gayathri,  
4. The Manager, Indian Bank, Vazhikudai Branch,

5. The Tahsildar, Cheyyar,

6. Sathiya,

7. Chithra,

.... Defendants.

This appeal is coming on 04.03.2026 for final hearing before me in the presence of **Thiru.S.R.Mannarasu** Advocate for the appellants and **Thiru.G.Ashok** Advocate for the 1<sup>st</sup> to 3<sup>rd</sup> respondents and **Thiru.K.Ragothaman** Advocate for the 4<sup>th</sup> respondent and **Thiru.G.Dineshkumar** Government Pleader for the 5<sup>th</sup> respondent and **Thiru.K.Sundaram** Advocate for the 7<sup>th</sup> respondent and 6<sup>th</sup> respondent called absent, set ex-parte and heard the arguments and available records are perused and having stood over for consideration till this day, this court delivered the following :-

### JUDGMENT

This appeal arises out of the Judgment and decree in O.S.No.87 of 2021 passed by the learned Principal District Munsif Court, Cheyyar, Dated: 28.11.2022

The appellants filed a suit seeking a Mandatory injunction before the Trial Court. After a full trial, the Trial Court dismissed the suit, holding that the plaintiff had failed to prove his title and possession of the suit property. Aggrieved by the said judgment and decree, the Plaintiffs has preferred this appeal.

## **2. PLEADINGS BEFORE THE TRIAL COURT :-**

### **GIST OF THE PLAINT IN O.S.No.87 of 2021**

i). The 1st plaintiff is the daughter of the late Ranganatha Gounder, who was residing at Vadathinnallur Village. The marriage between the 1<sup>st</sup> plaintiff and one Pandurangan, a resident of Poonamallee, was arranged by elders and solemnized on 22.08.1991. After the marriage, the 1st plaintiff and her husband Pandurangan lived at Vadathinnallur Village, the native place of the 1st plaintiff. Through the said wedlock, the 2nd plaintiff and the 6<sup>th</sup> and 7<sup>th</sup> defendants were born to the 1st plaintiff and Pandurangan.

ii). While so, the said Pandurangan deserted the 1<sup>st</sup> plaintiff and developed an illicit relationship with his relative's daughter, namely the 1<sup>st</sup> defendant, and thereafter began living with her as a family. On coming to know of the same, the 1st plaintiff complained to the elders of Pandurangan's family. However, ignoring their advice, Pandurangan continued to live with the 1st defendant. Through the said relationship, the 2nd and 3<sup>rd</sup> defendants were born. Subsequently, in a village panchayat, Pandurangan executed settlement deeds in respect of his family properties in favour of the 2<sup>nd</sup> and 3<sup>rd</sup> defendants. It was further decided in the said panchayat that Pandurangan and defendants 1 to 3 should not have any further contact with the 1st plaintiff. Due to poverty, lack of awareness, and insufficient income, the 1st plaintiff did not initiate any legal proceedings against her husband and the 1st defendant at that time.

iii). Thereafter, due to Pandurangan's bad habits, his health deteriorated, and he was unable to work properly as a construction worker. Without the knowledge of the 1<sup>st</sup> plaintiff, Pandurangan borrowed money

along with the 1<sup>st</sup> defendant for his medical and family expenses, resulting in mounting debts. Owing to poor income and increasing liabilities, Pandurangan returned to Vadathinnallur Village along with the 1st plaintiff and their children. Subsequently, his health further deteriorated, and he became completely incapable of working.

iv). Later, the 1st plaintiff, Pandurangan, and their children migrated to Chennai for their livelihood. Pandurangan worked as a construction foreman, and the 1st plaintiff worked as a construction labourer. During this period, the 1st plaintiff developed a tumour on her head, and her health began to decline. Despite the same, she continued to work along with her husband. From her personal earnings, the 1st plaintiff gradually saved money and purchased the gold jewellery described in the suit schedule. The relevant purchase receipts are filed along with the suit.

v). The family of the 1st plaintiff survived on government assistance and the personal income of the 2nd plaintiff. Due to the increasing medical expenses of Pandurangan and the 1st plaintiff, and the marriage expenses of the 6th and 7th defendants, the 1st plaintiff was compelled to borrow money. As neither the 1st plaintiff nor Pandurangan was able to obtain further loans, the 1st plaintiff decided to mortgage her gold jewellery, including her thali (mangalsutra), which forms part of the suit property. Accordingly, she entrusted the jewellery to her husband Pandurangan and instructed him to pledge it with the 4th defendant bank. Pandurangan pledged the said jewellery on 08.12.2017 and 10.01.2018 and borrowed a sum of Rs.75,000, which he handed over to the 1st plaintiff. Using the said amount, the 1<sup>st</sup>

plaintiff cleared the marriage debts of her daughters and met both her own and Pandurangan's medical expenses.

vi). Subsequently, Pandurangan once again went to Chennai for construction work. There, his health deteriorated severely, and he passed away on 06.09.2018. Though the 1st plaintiff informed the 1st defendant and defendants 2 and 3 about Pandurangan's death, they did not attend the funeral, nor did the 1st defendant perform the customary death rituals. The plaintiffs alone completed the funeral rites. Pandurangan died without discharging his debts. His legal heirs, namely the plaintiffs and defendants 1, 2, 3, 6, and 7, are jointly liable to settle the said debts. The plaintiffs are seeking time from the creditors to discharge their 2/7th share, and the remaining 2/7th share is payable by defendants 1 to 3.

vii). In the meanwhile, on learning that the loan period for the pledged jewellery with the 4th defendant had expired, the 1st plaintiff approached the 4th defendant and informed him about the death of her husband. She asserted that the jewellery belonged exclusively to her and produced proof of ownership, requesting return of the same upon settlement of the loan. Acting on the assurance of the 4th defendant, the 1st plaintiff borrowed money from other sources and repaid the entire loan amount along with interest. Thereafter, the 4th defendant agreed to return the pledged jewellery, which is the subject matter of the suit.

viii). The legal heirs of the deceased Pandurangan are the 1<sup>st</sup> plaintiff, the 2<sup>nd</sup> plaintiff (born through the 1<sup>st</sup> plaintiff), defendants 6 and 7, and defendants 2 and 3 (born through the 1st defendant). Accordingly, the 1<sup>st</sup> plaintiff applied to the 5<sup>nd</sup> defendant for issuance of a legal heir certificate. The

5<sup>th</sup> defendant informed her that the certificate could be issued only after obtaining consent from defendants 2, 3, 6, and 7.

ix). Thereafter, the 1st plaintiff approached defendants 1, 2, and 3 seeking their cooperation for obtaining the legal heir certificate, retrieving the pledged jewellery, and settling Pandurangan's debts. However, they refused to cooperate and disowned any responsibility relating to Pandurangan.

x). Hence, the plaintiffs have filed the present suit seeking a declaration that the suit jewellery pledged by Pandurangan belongs exclusively to the 1<sup>st</sup> plaintiff, a mandatory injunction directing the 4th defendant to hand over the suit jewellery to the 1st plaintiff, and issuance of a legal heir certificate in respect of the deceased Pandurangan.

xi). The plaintiffs state that no other suit regarding the same cause of action and relief has been filed before any other court. The 2nd plaintiff has joined as a co-plaintiff as the 1st plaintiff is unwell and the 2nd plaintiff is a necessary party.

**3. SUMMARY OF THE WRITTEN STATEMENT FILED BY THE 2<sup>nd</sup> DEFENDANT AND ADOPTED BY THE 1<sup>st</sup> AND 3<sup>rd</sup> DEFENDANTS:-**

i). It is false. In law and on facts, the suit filed by the plaintiffs is not maintainable. Except for the facts expressly admitted by this defendant herein, the plaintiffs are strictly put to proof of all other averments made in the plaint.

ii). This defendant admits the relationship stated by the plaintiffs in the suit. This defendant has no objection to the fact that the 2nd plaintiff, defendants 2 and 3, and defendants 6 and 7 are the children of the deceased

Pandurangan. However, this defendant emphatically denies the allegation made by the plaintiffs that the 1st defendant had an illicit or improper relationship with the deceased Pandurangan. On the contrary, since the 1st plaintiff was not leading a proper marital life, the deceased Pandurangan lawfully married the 1st defendant, and defendants 2 and 3 were born out of the said lawful wedlock.

iii). The defendants categorically deny the averment made in the plaint that Pandurangan was compelled to agree to or sign any document stating that he should not maintain contact with defendants 1, 2, and 3. The relationship between Pandurangan and defendants 2 and 3 is a legally recognised relationship, and there is no legal basis whatsoever to sever the same. Any document or agreement allegedly created to cancel or nullify such a relationship is illegal, void, and unenforceable in law.

iv). Defendants 2 and 3, the plaintiffs, and defendants 6 and 7 are all legal heirs of the deceased Pandurangan. No party has any right or authority to deny this legal position. These defendants have no objection to the issuance of a legal heir certificate including defendants 2 and 3 as legal heirs of Pandurangan. However, since the plaintiffs had earlier filed a related petition disputing the status of defendants 2 and 3 as legal heirs, defendants 1 to 3 declined to sign the application for the legal heir certificate, clearly recording their objection as necessitated by the plaintiffs' own stand. Otherwise, these defendants are ready and willing to cooperate in obtaining a legal heir certificate including plaintiffs 1 and 2, defendants 2 and 3 and defendants 6 and 7.

v). All the properties described in the suit schedule belong exclusively to the deceased Pandurangan. The plaintiffs' claim that only plaintiffs 1 and 2 purchased the said properties is wholly false and denied. Since the suit property was mortgaged with the 4th defendant and the mortgage was accepted treating the property as belonging to Pandurangan, the plaintiffs cannot now seek a declaration contrary to this admitted and established fact. Hence, the suit is liable to be dismissed in limine.

vi). In the suit property, defendants 2 and 3 are each entitled to a 1/6th share as legal heirs of the deceased Pandurangan. The plaintiffs are legally bound to partition the property and allot the said shares to these defendants.

vii). Therefore, this written statement is filed praying that this Honourable Court may be pleased to accept the same and dismiss the suit filed by the plaintiffs with costs

**4. UPON CONSIDERING THE PLAINT AND WRITTEN STATEMENT, THE TRIAL COURT FRAMED THE FOLLOWING ISSUES :-**

1. Whether the plaintiffs are entitled for declaration regarding ownership of suit Jewels in P1's favour?
2. Whether the plaintiffs are entitled to mandatory injunction against D4 Bank?
3. What other relief the plaintiffs are entitled to?
5. Whether the plaintiff is entitled to a mandatory injunction restraining the defendants from alienating or otherwise disposing of the suit property, as prayed for in the plaintiff?

## **5. TRIAL AND FINDINGS OF THE TRIAL COURT :-**

The plaintiff's case was dismissed on the grounds that the property details in the suit did not contain clear measurements and that the facts of the case were not duly proved.

## **6. THE GROUNDS OF APPEAL :-**

i). The above Original Suit No. 87 of 2021 was disposed of by the learned trial court without following due legal procedure, without properly understanding or examining the fundamental issues involved in the case, and without duly considering the documents filed by the plaintiff. The judgment and decree passed are contrary to law and the principles of natural justice. Hence, the said judgment and decree are liable to be set aside.

ii). The appellant/plaintiff has preferred the present appeal before this Hon'ble Court against the judgment and decree passed in the above suit, wherein the plaintiff sought a declaration of absolute ownership over the gold jewellery pledged with the 4<sup>th</sup> defendant bank, which constitutes her exclusive and personal property, and a consequential injunction directing the 4th defendant to return the said jewellery.

iii). In paragraph 10, line 3 of the impugned judgment, the trial court observed that although the plaintiff claimed that, as per family practice, the jewellery was pledged in the 4th defendant bank through her husband Pandurangan, the credit card, payment receipts, challans, and Forms 4, 5, and 6 were all in the name of Pandurangan, and therefore, the jewellery belonged to him. This finding has been made hastily and without proper appreciation of the evidence. Merely because the pledged documents stood in the name of the

husband, the trial court wrongly concluded that the jewellery belonged to him, ignoring the material evidence produced by the 1st plaintiff establishing her ownership.

iv). The findings of the trial court in paragraph 11, sub-paragraphs 1 and 2 of the judgment, wherein the court stated that the oral evidence was not examined or properly considered and hence rejected the same, are erroneous and unsustainable.

v). The observations made in paragraph 12 of the judgment, wherein the trial court completely disregarded the plaintiff's pleadings and evidence and arrived at conclusions in a superficial manner, are incorrect. The trial court failed to properly consider the clear documentary evidence produced by the 1st plaintiff to establish that the suit jewellery was purchased by her from her own earnings. The contradictory finding of the trial court that only one out of the five items of jewellery belonged to the plaintiff, while there was no evidence for the remaining four items, is arbitrary and unacceptable.

vi). The suit properties are not ordinary properties but essential personal ornaments of a Hindu married woman, including the thali (mangalsutra). The trial court failed to consider the special nature and legal character of these properties and appears to have completely misunderstood the same.

vii). Based solely on the bank records, the trial court mechanically concluded that the jewellery belonged to the husband of the plaintiff. In doing so, the trial court failed to appreciate the settled legal position that the

jewellery of a Hindu married woman constitutes her Stridhana and exclusive property.

viii). The trial court further failed to take note of the fact that the mortgage loan in respect of the suit jewellery was discharged solely by the 1st plaintiff. The trial court overlooked that defendants 1, 2, and 3, who did not contribute anything towards the discharge of the mortgage loan, were attempting to claim a share in the suit properties. Despite this, the trial court failed to grant relief based on the documents and principles of natural justice and rendered an unjust finding.

ix). The claim of defendants 1, 2, and 3 who did not attend the death and funeral rites of Pandurangan, despite residing just four houses away on the same street and the acceptance of such claim by the trial court, is wholly untenable and unjust.

x). In paragraph 13 of the impugned judgment, the trial court held that the value of the suit properties was ₹35,000 per sovereign as on 04.03.2021 and dismissed the suit on the ground of insufficiency of court fee. This approach is legally incorrect.

xi). The correct valuation of the suit as on 04.03.2021 comes to ₹1,83,750, being 5% of the value of the gold ornaments. In such circumstances, the suit was beyond the pecuniary jurisdiction of the trial court. Therefore, the proper course would have been to return the plaint or transfer the suit to the competent court having jurisdiction, instead of dismissing the suit on merits. The judgment rendered on this ground is wholly unjust and illegal.

xii). In paragraph 13 of the judgment, the reference to “5% sovereign gold” instead of “5% sovereign gold bond” is factually incorrect. Further, the omission of paragraphs 4 and 14 in the judgment reflects serious procedural irregularity.

The trial court gravely erred in its handling of the seven issues framed in the suit, as they were neither properly examined nor decided in accordance with law or the principles of natural justice. Hence this appeal may be allowed with costs.

#### **7. POINTS FOR CONSIDERATION :-**

1. Whether the plaintiffs/appellants are entitled to a declaration and a mandatory injunction?
2. Whether the decree and judgment of the Trial Court in O.S. No.87 of 2021, dated 28.11.2022, are liable to be set aside in this appeal?

#### **8. ANSWER TO POINTS 1 :-**

#### **ARGUMENTS ON BEHALF OF THE APPELLANTS :-**

The counsel for the appellants argued that the learned trial court disposed of O.S. No. 87 of 2021 without following due legal procedure and without properly appreciating the pleadings, oral evidence, and documentary evidence produced by the plaintiff. The findings recorded in paragraphs 10, 11, and 12 of the impugned judgment are perverse, arbitrary, and contrary to settled principles of law. Merely because the pledge documents, challans, and bank records stood in the name of the deceased husband, the trial court mechanically concluded that the suit jewellery belonged to him, ignoring the clear evidence that the jewellery was purchased by the 1st plaintiff from her personal earnings and constituted her Stridhana and exclusive property.

The rejection of oral evidence without proper examination, the contradictory finding that only one out of five jewellery items belonged to the plaintiff without any supporting evidence, and the complete disregard of the special legal character of a Hindu married woman's jewellery including the thali clearly demonstrate non-application of mind and violation of principles of natural justice.

The trial court further erred in overlooking the undisputed fact that the entire mortgage loan was discharged solely by the 1st plaintiff, while defendants 1 to 3, who neither shared the liabilities of the deceased nor even attended his funeral rites, were unjustly permitted to raise claims over the suit jewellery. The dismissal of the suit on the ground of alleged insufficiency of court fee, as stated in paragraph 13 of the judgment, is legally unsustainable, since the suit valuation as on 04.03.2021 placed it beyond the pecuniary jurisdiction of the trial court, warranting return or transfer of the plaint and not dismissal on merits. The incorrect reference to "5% sovereign gold" instead of "5% sovereign gold bond," omission of paragraphs in the judgment, and failure to properly decide the seven issues framed in the suit further vitiate the impugned judgment. Hence, the judgment and decree are liable to be set aside and the appeal deserves to be allowed with costs.

#### **9. ARGUMENTS ON BEHALF OF THE 1<sup>st</sup> to 3<sup>rd</sup> RESPONDENT :-**

The counsel for the respondents argued that the plaintiffs are bound by their own pleadings. In the plaint, the plaintiffs have clearly admitted that defendants 1, 2, and 3 are also the legal heirs of the deceased Pandurangan and are liable to share responsibility for his debts. Having made such categorical admissions, the plaintiffs cannot later take a contradictory stand

during evidence or arguments by contending that defendants 2 and 3 were born out of wedlock and are not entitled to any share. Even otherwise, under Section 16 of the Hindu Marriage Act, 1955, children born through a void or voidable marriage are entitled to inherit the self-acquired and personal properties of their father. Therefore, the claim of defendants 1 to 3 for a lawful share in Pandurangan's estate is fully supported by statute and settled legal principles.

The respondents further submit that the plaintiffs have failed to discharge the burden of proof regarding ownership of the suit jewellery. All contemporaneous and primary documents relating to the mortgage namely the loan agreement, payment receipts, and challans stand exclusively in the name of the deceased Pandurangan, thereby creating a strong presumption that the jewellery belonged to him. The oral testimonies of PW1 and PW2, being interested and contradictory, cannot override clear documentary evidence. The documents relied upon by the plaintiffs do not establish purchase of all the suit jewels by the 1st plaintiff, and at best relate to only one item. In the absence of cogent and convincing proof of exclusive ownership, the plaintiffs' claim is unsustainable, and the findings of the trial court deserve to be upheld.

#### **10. ARGUMENTS ON BEHALF OF THE 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> RESPONDENTS :-**

When the learned counsel appearing for respondents 4, 5, and 7 advanced their arguments, they submitted that their clients would abide by any order passed by this Court and are ready to act in accordance with the directions of this Court.

Further, the learned counsel for the fourth respondent submitted that the fourth respondent is prepared to act accordingly if the appellants produce a valid legal heir certificate or obtain appropriate orders in a Succession O.P. from the competent Court.

### **11. MAIN POINTS :-**

Both sides' arguments heard,

It is admitted by both parties in their pleadings that the 1st plaintiff is the wife of the deceased Pandurangan and that the 2nd plaintiff and defendants 6 and 7 were born to them. It is also admitted that defendants 2 and 3 were born to Pandurangan through the 1st defendant.

Though the plaintiffs have contended that defendants 2 and 3 are illegitimate children and therefore not entitled to any share in the property of Pandurangan, the plaintiffs themselves have categorically pleaded that defendants 1 to 3 are also legal heirs of Pandurangan and are liable to discharge his debts. Having made such admissions in the pleadings, the plaintiffs cannot now take a contradictory stand during evidence.

Even assuming that the marriage or cohabitation between the 1<sup>st</sup> defendant and Pandurangan was not legally valid, defendants 2 and 3, being children born to Pandurangan, are entitled to a share in his property in view of Section 16 of the Hindu Marriage Act, 1955, which confers legitimacy upon children born out of void or voidable marriages. Further, as per Section 8 of the Hindu Succession Act, 1956, the property of a male Hindu dying intestate devolves upon his Class I heirs. Therefore, defendants 2 and 3, being the children of the deceased, are entitled to succeed to his estate.

## **12. PLAINT AVERMENTS (AS EXTRACTED):-**

The plaintiff has stated in paragraph 4 of the plaint as follows,

" இந்நிலையில் மேற்படி பாண்டூரங்கள் 1-ம் வாதியை விட்டுவிட்டு தவறான தொடர்பில் அவரது உறவினர் மகளான 1-ம் பிரதிவாதியிடம் ஈடுபட்டு வந்தார். அதன்பின் 1-ம் பிரதிவாதியுடன் சென்று குடும்பம் நடத்த ஆரம்பித்தார். இதை அறிந்த 1-ம் வாதி, மேற்படி பாண்டூரங்களின் குடும்ப பெரியோர்களிடம் முறையிட்டார். அவர்களது அறிவுரையை கேட்காமல் மேற்படி பாண்டூரங்கள் 1-ம் பிரதிவாதியுடன் சென்று அவருடனே வாழ ஆரம்பித்தார். மேற்படி பாண்டூரங்களுக்கும், 1-ம் வாதிக்கும் 2,3 பிரதிவாதிகள் பிறந்தனர்."

Further, in paragraph 12, it is stated,

" அதன்படி 1-ம் வாதி முதலில் 1,2,3 பிரதிவாதிகளை அணுகி இறந்துவிட்ட பாண்டூரங்களின் பிரதிவாதியிடமிருக்கும் தாவாசொத்தான நகைகளை பெறவும், பின் மேற்படி பாண்டூரங்கள் அவர்களுக்காக வாங்கிய கடன்களை பைசல் செய்யவும் உதவுமாறு கேட்டார். அதற்கு 1,2,3 பிரதிவாதிகள் மறுத்து மேற்படி பாண்டூரங்களுக்கும் அவர்களுக்கும் சம்மந்தம் இல்லாதவர்கள் போன்று பேசி வாதியை திருப்பி அனுப்பிவிட்டனர்."

From the above pleadings, it is evident that the appellant herself has admitted that Pandurangan lived with the first defendant and that respondents 2 and 3 were born through such relationship. However, during cross-examination, P.W.1 deposed as follows,

" பாண்டூரங்கள் என் கணவர். 1 ம் பிரதிவாதி யார் என்று தெரியாது. ஆனால் என் கணவரின் மனைவி என்று கூறிக்கொள்கிறார்கள். தாவாவில் 2, 3 பிரதிவாதிகள் பாண்டூரங்களுக்கு முறையற்ற விதத்தில் பிறந்தவர்கள் என்று குறிப்பிட்டுள்ளேனா என்றால் இல்லை. அவ்வாறு நான் சொல்வது பொய் என்றால் சரியல்ல. 2,3 பிரதிவாதிகள் பாண்டூரங்களுக்கு 1 ம் பிரதிவாதி மூலம் பிறந்தவர்கள் என்று தாவாவில் குறிப்பிட்டுள்ளேனா என்றால் சரியல்ல."

The above evidence is clearly contradictory to the pleadings. It is a settled principle of law that evidence contrary to pleadings cannot be accepted. Therefore, the testimony of P.W.1, being inconsistent with the plaint averments, is unreliable.

### **13. OWNERSHIP OF JEWELS :-**

The crucial issue is whether the jewels pledged with the fourth respondent bank belonged exclusively to the 1st plaintiff or to Pandurangan.

The pledge card, receipts and challans marked as Exs. A4, A5 and A6 stand in the name of Pandurangan. These documents prima facie establish that the jewels were pledged by him in his own name. Hence, the burden lies upon the plaintiffs to prove that the jewels exclusively belonged to the 1<sup>st</sup> plaintiff.

Ex.A2 shows purchase of one gold chain weighing 23.600 grams. Ex.A3 is only a valuation slip and not a sale receipt. On the same date, the plaintiff is shown to have sold four gold items weighing 26.350 grams to the same jeweller. Though the receipts stand in the name of the 1st plaintiff, it cannot be conclusively held that they relate to the suit jewels. At best, only one item may be traced to her, and there is no satisfactory evidence regarding the remaining items.

P.W.2, sister of the 1st plaintiff, has been examined only as an afterthought. Her testimony contains material improvements and is not supported by pleadings. Hence, her evidence cannot be relied upon.

The legal position regarding the inheritance rights of children born out of void or voidable marriages is well settled by virtue of Section 16 of the Hindu Marriage Act, 1955. The said provision expressly declares that children born from a marriage which is null and void shall nevertheless be treated as legitimate. Section 16(3) further clarifies that such children are entitled to inherit the property of their parents, though they cannot claim rights in the property of any other person. When read along with Section 8 of the Hindu Succession Act, 1956, which provides that the property of a male Hindu dying intestate devolves upon his Class I heirs, it becomes clear that children legitimized under Section 16 are entitled to succeed to their father's estate.

The Hon'ble Supreme Court in *Revanasiddappa v. Mallikarjun* held that children born from void marriages are entitled to a share in the property of their parents and that the provision must be interpreted in a manner that advances social justice. Similarly, in *Bharatha Matha v. R. Vijaya Renganathan*, the Court clarified that such children can inherit the self-acquired property of their parents, though they cannot claim coparcenary rights in ancestral property of other relatives. In *Jinia Keotin v. Kumar Sitaram Manjhi*, the Apex Court reaffirmed that Section 16 confers legitimacy upon such children for the purpose of inheritance to their parents' property.

Therefore, even if the first defendant cannot claim the status of a legally wedded wife during the subsistence of the first marriage, respondents 2 and 3, being the children born to Pandurangan, are deemed legitimate under law and are entitled to succeed to his estate. Their right to inherit their father's property cannot be denied merely on the ground that the marriage between their parents was void.

#### **14. DISCUSSION AND FINDINGS:-**

The appellants themselves have admitted that Pandurangan lived with the first respondent. The pleadings clearly establish that respondents 2 and 3 are his children. Hence, they are Class I heirs under Section 8 of the Hindu Succession Act, 1956.

Therefore, when the jewels pledged in the name of Pandurangan are redeemed, respondents 2 and 3 are also entitled to a share therein.

The plaintiffs have also undervalued the suit under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act by valuing the suit property at Rs.5,000/- despite the admitted weight and prevailing gold value. Hence, the suit is not properly valued.

Further, without obtaining a proper succession certificate from the competent authority, the plaintiffs cannot seek a declaration that they alone are entitled to redeem the pledged jewels.

#### **15. CONCLUSION :-**

In view of the statutory provisions under Section 8 of the Hindu Succession Act, 1956 and Section 16 of the Hindu Marriage Act, 1955, and in light of the authoritative pronouncements of the Hon'ble Supreme Court, this Court holds that respondents 2 and 3 are legal heirs of the deceased Pandurangan and are entitled to succeed to his estate.

Accordingly, the plaintiffs/appellants are **not entitled** to the relief of declaration and mandatory injunction as prayed for. The point is answered accordingly,

**16. ANSWER TO POINTS 2 :-**

Both sides arguments heard,

On such consideration, it is found that the first appellant, Rajeswari, is the wife of late Pandurangan. Through her, Pandurangan had children, namely Venkatesan, Sathya, and Chitra. It is also an admitted fact on both sides that during the lifetime of the first appellant, Pandurangan lived with the first respondent, Manjula, and through her, children namely Sukanya and Gayathri were born.

Since the first appellant, Rajeswari, is the legally wedded wife of Pandurangan and was alive at the relevant time, the first respondent, Manjula, cannot claim the status of a legally wedded wife and therefore has no independent right in the property of the deceased Pandurangan.

However, the children born to Pandurangan through Manjula, namely Sukanya and Gayathri, are entitled to equal rights in the properties of the deceased Pandurangan, on par with his other children.

Accordingly, in respect of the suit properties mortgaged in the name of Pandurangan with the bank, the first appellant, the second appellant, the second and third respondents, and respondents 6 and 7 are entitled to their respective shares. Therefore, the relief of declaration and mandatory injunction sought by the appellants, claiming exclusive rights over the mortgaged properties in the name of Pandurangan by excluding the other legal heirs, cannot be granted.

Since the Trial Court has already rightly decided the matter in accordance with law and passed a proper judgment and decree, this Court finds no valid ground or reason to interfere with the same.

In view of the foregoing discussion and the settled legal position laid down by the Honorable Supreme Court, this Court finds no infirmity or illegality in the judgment and decree passed by the Trial Court. Accordingly, the judgment and decree dated 28-11-2022 passed in O.S.No.87 of 2021 are hereby confirmed,

**In the result,**

The appeal is dismissed, no costs. The judgment and decree passed by the Trial Court in O.S.No.87 of 2021, dated 28-11-2022 are hereby confirmed.

The judgment was typed by me on my laptop, corrected, and then pronounced in open court on this the 5<sup>th</sup> day of March-2026.

**Principal Subordinate Judge,  
Cheyyar.**

