

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.

Friday, the 19th day of June 2026.

ORIGINAL SUIT NO. 271 OF 2024

CNR.No.TNTR22 – 000485 - 2023

1. M.Kanthimathi

2. M.Veerabaghu

.....Plaintiffs

Vs

1. The Commissioner, Corporation of Chennai

2. Inspector of Police (Law and Order)

Korattur Police Station

.....Defendants

This suit having come on 04.06.2026 before me for final hearing in the presence of Shri.S.P.Meenakshi Sundaram, D.Bennington, J.Chandrakeela and M.Nasreen Banu, learned counsels for the Plaintiff, Shri.C.Ganesh Pandian, K.Dakshinamurthy and A.Shabanal, learned counsels for the 1st Defendant, Shri.R.Sivashankar, Government Pleader for the 2nd Defendant, upon hearing the arguments made by the learned counsels for the Plaintiffs and the learned counsels for the Defendants and on perusal of the records, this suit having stood over for consideration till this day, this Court delivers the following:

J U D G M E N T

1. This suit is filed by the plaintiff for a declaration declaring that Mr.G.Manoharan S/o Ganapathy deemed to be attained Civil death on 13.06.2023 and for the cost of suit.

CONCISE STATEMENT OF THE PLAINT FILED BY THE PLAINTIFF:

2. The Plaintiffs submit that they are residing in the said address for the past 20 years. The 1st plaintiff is the wife of one G.Manoharan and the 2nd Plaintiff is the son of said Manoharan and he has two sons by name of Hari Ganapahty and Veerabaghu, and the said Hari Ganapathy died on 04.04.2021. That the said G.Manoharan was working in Lucas TVs company at Padi, Chennai for the 30 years. The plaintiffs submit that the said G.Manoharan used to leave from house in the morning at about 7.00 am to work and come back to home at about 5.00 pm in the evening. The plaintiffs submit that on 13.06.2016 he returned to home at about 5.00 pm after attending his duty and thereafter he had taken coffee and then within 15 minutes he left the house in a two wheeler (Splendor Pro) bearing Regn No.TN.13.C.1225 Black colour for collection purpose as he was a LIC agent. On that day he was wearing white colour striped shirt and black colour Jeans Pant. He used to return home normally at 10.00 pm in the night. On that day i.e on 13.06.2016 he did not tell anything to the plaintiffs about the place where he was going but at any cost he would return home at about 10 or 10.30 pm and if he is unable to reach home by that time, he would inform the Plaintiffs. But he did not return home on that day ie on

13.06.2016 even after 10.30 pm. Therefore the 1st plaintiff tried to contact him through her cell and also through the 2nd plaintiff's cell phone, but there was no response from him and thereafter his cell No.9840195826 was switched off.

3. That they have searched the said G.Manoharan in all places such as houses of their relatives and friends and they also went to the office of the said G.Manoharan, but they were unable find him to the office of the said G.Manoharan, but they were unable find him and all their efforts to trace out the said G.Manoharan ended in vain. The plaintiffs apprehended danger to the life and limbs of the said G.Manoharan. Hence the 1st plaintiff lodged a complaint on 16.06.2016 to the 2nd defendant regarding the missing of he said G.Manoharan and requesting them to trace out the whereabouts of the said G.Manoharan, for which the respondent police had registered the above case in crime No.824 of 2016 under the heading 'MAN MISSING'. The plaintiffs also given publication in a daily news paper regarding the missing of the said G.Manoharan.

4. That though the occurrence had taken place on 13.06.2016 and the complaint was given by the Plaintiffs on 16.06.2016, and the same was registered by the respondent police on 16.06.2016, since there was no progress on the part of the 2nd defendant in conducting proper enquiry or investigation or to find out the whereabouts of said G.Manoharan even after a lapse of nearly 10 days. The 1st plaintiff has filed a H.C.P. No.1281 of 2016 before the Hon'ble High Court of Judicature at Madras and after the hearing the Hon'ble High Court directed the 2nd

defendant is directed to proceed with the investigation and closed the said petition and the 2nd defendant subsequently closed the said FIR since they were unable to find the said G.Manoharan.

5. That inspite of all efforts taken by them and they were unable to trace and secure said G.Manoharan. The plaintiff state that till date they are unable to trace and secure the said G.Manoharan. As per section 108 of the Indian Evidence Act 1872 G.Manoharan is presumed to be dead as G.Manoharan is missing for more than seven years from 13.06.2016 onwards. That they are filing a separate affidavit and petition under section 80 (2) of the Civil Procedure Code 1908 for dispensing the notice to the defendants under Section 80 of the Civil Procedure Code 1908.

CONCISE STATMENT OF THE WRITTEN STATEMENT FILED BY THE FIRST DEFENDANT:

6. The 1st defendant denies all the averments contained in the plaint except those that are specifically accepted herein. That there is no assurance of the death of Mr.G.Manoharan, there is no certainty of the date of death, place of death, cause of death and disposal of the body. As per the Registration of Births and Death 1969 Sec 2(b) a death can be registered only after the permanent disappearance of all evidence of life at any time after live-birth has taken place.

7. That the Director of Public Health and Preventive Medicine and Chief Register of Birth and Death, Tamil Nadu, has circulated a circular with regard to the

registration of death of missing person (letter No.12/87/VS- (CORD – HB) dated 17.09.2000 of the Registrar General, Birth and Death, Government of India) as follows:-

".....So far as the determination of the date and place of a person who is missing for more than seven years is concerned, is a question of fact and may be determined by the competent Court/Authority on the basis of oral and documentary evidence produce before him in this regard. Since the Registration of Birth and Death Act and Rules are silent on the question of determination of the date and place of death of a missing person, the date and place determined by the Court in a declaratory suit, be filed for this purpose can be relied upon..."

8. That till date the plaintiff will submitted the mandatory documents viz., FIR Copy, Non-Traceable Certificate and Legal Heirs Certificate to the Greater Chennai Corporation, for issuance of death certificate. If the plaintiffs submit the mandatory documents along with the order copy obtained from this Hon'ble Court, the Greater Chennai Corporation the same will be considered and necessary certificate will be issued. Hence prayed to dismiss this suit based on the above said submissions of the 1st defendant.

**CONCISE STATEMENT OF THE WRITTEN STATEMENT FILED BY THE
SECOND DEFENDANT:**

9. The second defendant denies all the allegations contained in the plaint against the second defendant same except those that are specifically admitted herein and puts

the plaintiff to the strict proof of the same. That he is the second defendant also the Inspector T3, Police Station and files this written statement on the basis of materials available in the file maintained by his office and well acquainted with facts of this case. That the instant suit is not maintainable both in law and on facts and the second defendant is an non-necessary party to the suit. Besides, Government officials cannot be restrained from doing his duties and on this ground alone the suit is liable to be dismissed with costs.

10. That there is no interim injunction petition in this case as such the petition under Section 80 CPC, should not be allowed for filing a suit against the Government. The plaintiff is supposed to give a notice as contemplated under Section 80 CPC and for not giving such notice in this case, this suit is to be dismissed. Further, the second defendant is hereby submits that he is always prepared to abide by any orders being passed in the present case by this Hon'ble Court.

11. That this defendant are impleaded in the suit without any relief of purpose and there is no mentioned or pleading against the second defendant. The second defendant further submits that he is only formal party. This case is a dispute between the plaintiff and the defendants 1 and the second defendant is not concerned with this dispute and the plaintiff has averred anything against the second defendant, the plaintiff is under liability to strict proof of the same.

12. That plaintiff lodged a complaint on 16.06.2016 and the same was registered as Crime No.824/2016 this defendant done all due formalities enquired the matter searched in all public places distributed pamphlets of missing person in public places, Railway station etc, further a letter was sent to the District Crime Record Bureau to list out and to compare the missing person into unidentified dead bodies reported after 16.06.2016. All efforts are been taken to trace the missing person G.Manoharan in vain.

13. That this defendant is not the competent authority to declare a person deemed to attained civil death. That the second defendant is unnecessarily added as a party is a clear case of misjoinder of parties and so the suit is liable to be dismissed as against the second defendant and hereby reserve his rights to file additional written statement in future, if required. That the second defendant is prepared to oblige to any orders of this Hon'ble Court. Hence prayed to dismiss the above suit as against the second defendant with exemplary costs.

14. On perusal of the plaint and written statement filed by the defendants, this Court framed the following issues on 28.10.2025:

1. Whether plaintiff is entitled to Declaration relief as prayed for?

2. Whether plaintiff is entitled to any other relief?

15. **Evidences:** On the side of plaintiffs, the 2nd Plaintiff has been examined as PW1 himself and Ex.A1 to Ex.A8 documents were marked. No one is examined and

no documents were marked on the side of defendants.

Discussion and Findings:

Answer to Issue No. 1 :

16. This court has heard the submissions of the Plaintiff and the defendants. This court also perused the materials on record. It is the case of Plaintiffs that G.Manoharan went missing since 13.06.2016 from his house. They have made the enquiry but unable to find out his whereabouts of G.Manoharan, and as of now his whereabouts are unknown to any person who should have heard from him. As there is no progress in the waiting for his return and therefore this suit is filed seeking to be declared as Civil Death. It is observed that Plaintiffs have marked Ex.A1 to A8 documents. This court finds that the 1st Plaintiff is the wife of the missing G.Manoharan, and the 2nd Plaintiff is the son of G.Manoharan. It is confirmed from Ex.A1 to A3 Aadhar cards of G.Manoharan and Plaintiffs that, G.Manoharan was in existence.

17. The Plaintiff has filed complaint before Korattur Police and FIR NO. 824/2016 has been registered with regard to man missing on 16.06.2016, and as there was inaction of side of Police, the Plaintiff has filed Writ of Habeas Corpus in H.C.P.No.1281 of 2016, in which orders were passed dismissing the petition as follows, “Today, when the Habeas Corpus Petition was taken up, there was no representation for the petitioner. Neither the petitioner made appearance. The learned Additional Public Prosecutor submitted that the detenu collected huge amount from

various persons and when they demanded money, he has escaped. A case has been registered against the detenu and he is wanted for arrest. In view of the above stated petition, we do not find any merit in the petition. Accordingly, the Habeas corpus petition is dismissed.”

18. It is inferred that the H.C.P.No.1281 of 2016 was dismissed for non-appearance of Petitioner/Plaintiff, but still this Court considers the filing of the writ petition as a effort towards finding G.Manoharan. Even though the 1st Defendant has cross examined that the said G.Manoharan is hiding in fear of warrant of police, there is no such FIR number or warrant number produced by the 1st Defendant to show that case /warrant against G.Manoharan is pending before any police station. Hence the mere objection in cross examination cannot be taken as conclusion that the said G.Manoharan is hiding in fear of warrant.

19. Moreover, the 1st Defendant impliedly admits that the said G.Manoharan has been missing or not found to be seen for seven continuous years. The PW1 clearly explained about the said G.Manoharan has been missing from 13.06.2016 and has not been traced despite necessary efforts. Thus, he has not been heard by plaintiff for more than seven years by the persons who would have ordinarily heard from him. The PW1 has been cross examined elaborately by the the 2nd defendant, there is no contradiction elicited about the fact that the said Mr.P.Masilamani is missing or no proof submitted by 2nd defendant that warrant is pending against G.Manoharan. Hence, the evidence of PW1 has to be taken on face value, as he has been able to

withstand the cross examination.

20. Further, Ex.A4 is the paper publication effected on 05.08.2016, that G.Manoharan has been missing from 13.06.2016. Thus, G.Manoharan has not been heard by for more than seven years by PW1, who would have ordinarily heard from him. Hence, the evidence of PW1 has to be taken on face value, as she has been able to withstand the cross examination. Applying Section 108 of the Indian Evidence Act, 1872, to the instant facts of the case, plaintiffs being the legal heirs of G.Manoharan having stated and established their case as to they had not heard about G.Manoharan since 13.06.2016 and also the Defendants having not raised any valid grounds of suspicion over the version of the case of plaintiff except general averments. This Court hereby comes to the conclusion that G.Manoharan, the husband of 1st Plaintiff, and father of 2nd Plaintiff had to be presumed to be dead, since he had not been heard from 13.06.2016 by the plaintiffs. From the foregoing discussions, this Court hereby comes to the conclusion that in view of G.Manoharan having not been heard since 13.06.2016, he is presumed to be dead. Accordingly, Issue No. 1 is answered in favour of the Plaintiffs.

Answer to Issue No. 3 :

21. Considering the Issue No.1 has been answered in favour of the Plaintiffs, this court considers that the Plaintiffs are not entitled to any other relief. Taking into consideration the nature of the case and relief sought for, this court is of the considered view that the parties shall bear their own costs. Thus, the issue No.2 is

answered accordingly.

RESULT :-

22. In the result, this suit is allowed,

- i) It is hereby declared that Mr.G.Manoharan S/o Ganapathy, has attained civil death presuming him to be dead as per law as on 13.06.2023.
- ii) No order as to costs.

Dictated to the steno-typist, typed directly by her in the desktop, corrected and pronounced by me in the open Court on this 19th day of June 2026.

**DISTRICT MUNSIF,
AMBATTUR.**

PLAINTIFFS SIDE WITNESSES:

PW1 Veerabaghu

PLAINTIFFS SIDE EXHIBITS:

Exhibit A1	--	Aadhar Card of G.Manoharan – Photo Copy
Exhibit A2	--	Aadhar Card of 1 st Plaintiff – Photo Copy
Exhibit A3	--	Aadhar Card of 2 nd Plaintiff – Photo Copy
Exhibit A4	--	Paper publication – Photo Copy
Exhibit A5	19.04.2021	Death Certificate of Hariganapathy – Online Copy
Exhibit A6	16.06.2016	FIR in Crime No.824 of 2016 – Photo Copy
Exhibit A7	21.07.2016	Order passed in H.C.P. No.1281 of 2016 – Photo Copy
Exhibit A8	25.07.2016	Letter sent by the Lucas -TVS – Photo Copy

mDEFENDANTS SIDE WITNESSES AND EXHIBITS: NIL

**DISTRICT MUNSIF,
AMBATTUR.**