

IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.

Present : **Thiru.K.N.Guru, B.A.B.L.,**

District Munsif, Shencottai.

Monday, the 30th day of March 2026

ORIGINAL SUIT No.17/2024

(CNR.No.TNTS11-001481-2024)

1. Valliyammal

2. Thirumalairaj

3. Pathmavathi

4. Krishnan

5. Varadharajan

.. Plaintiffs

/Vs/

1. The Tahsildar, Taluk Office, Kadayanallur.

2. The Government of Tamil Nadu through its District Collector, Tenkasi District

.. Defendants

The suit came before me for final hearing on 11.03.2026 in the presence of Thiru.K.P.Kumar Pandian, Advocate for the Plaintiffs and Thiru.M.Rahuman Sadat, (Government Pleader) Advocate for the Defendants and after hearing both sides and on perusal of records and having stood over for consideration till this date and this court delivers the following:-

JUDGMENT

The plaintiffs have filed this suit seeking a decree of declaration that Plaintiffs 1 to 5, along with the deceased Lakshmiammal and the late Venkatesh, are the legal

heirs of the deceased Shanmugathevar, and for a mandatory injunction directing the defendants to issue a Legal Heirship Certificate in favor of the plaintiffs, together with the costs of the suit.

2. Plaintiffs Case in a Nutshell:-

The case of the Plaintiffs, in brief, is that the late Shanmugathevar, husband of the 1st Plaintiff and father of Plaintiffs 2 to 5, had initially married one Lakshmiammal about 65 years ago, through whom the 2nd Plaintiff was born, and after her demise about 58 years ago, he contracted a second marriage with the 1st Plaintiff, Valliammal, through whom Plaintiffs 3 to 5 and another son, late Venkatesh (who died on 02.09.2022), were born; that the said Shanmugathevar died intestate on 10.08.1991 leaving behind the Plaintiffs and the said Venkatesh as his legal heirs, his parents having predeceased him, and that the Plaintiffs, being in joint possession and enjoyment of his estate, applied for issuance of Legal Heirship Certificate before the 1st Defendant on 16.09.2020, which came to be rejected on the ground of existence of two marriages, compelling them to file the present suit seeking a declaration that the Plaintiffs, along with the deceased Lakshmiammal (through her lineage) and late Venkatesh, are the legal heirs of the deceased Shanmugathevar and for a consequential direction to the Defendants to issue Legal Heirship Certificate accordingly.

3. Defendants Case in a Nutshell:-

The Defendants contend that the suit filed by the Plaintiffs is not maintainable

either in law or on facts and put the Plaintiffs to strict proof of their averments that the deceased Shanmugathevar, who died on 10.08.1991, had first married one Lakshmiammal about 65 years ago, that the 2nd Plaintiff was born out of the said wedlock, that the 1st Plaintiff, Valliammal, was married only after the demise of the said Lakshmiammal, and that Plaintiffs 3 to 5 were born through the alleged second marriage; it is further submitted that, during the course of enquiry, it was found that Plaintiffs 1 to 5, claiming to be the legal heirs of the deceased, are residing at Sambavar Vadagarai Village, Tenkasi Taluk, and hence, on these grounds, the Defendants pray that the suit is liable to be dismissed with costs.

4. On the basis of the plaint, written statement and documents on record, the following issues were framed.

1. Whether the plaintiffs and deceased Lakshmi Ammal and Vengatesh those are legal heirs of the deceased Shanmugadevar?
2. Whether the plaintiffs are entitled for the relief of the Declaration?
3. To what other reliefs?

5. In this case, on the side of plaintiffs, PW1 was examined and Ex.A1 & Ex.A2 were marked. On the side of Defendants, No oral evidence and documentary evidence were produced.

6. Answer to Issues No.1 and 2:-

- i) This Court has carefully considered the arguments advanced on either side

and perused the entire records produced. Upon such consideration, it is found that the first wife of the deceased Shanmugathevar, namely Lakshmiammal, had predeceased him, and only thereafter he contracted marriage with the 1st Plaintiff, Valliammal. Hence, the said marriage is valid in law as per Section 5(i) of the Hindu Marriage Act, 1955, since there was no subsisting spouse at the time of the second marriage.

ii) It is further established that the 2nd Plaintiff was born through the first wife, Lakshmiammal, and Plaintiffs 3 to 5, along with the deceased Venkatesh, were born through the 1st Plaintiff. Thus, all the Plaintiffs and the said Venkatesh are the legitimate children and Class-I legal heirs of the deceased Shanmugathevar.

iii) Though the legal representatives of the deceased Venkatesh have not been impleaded, the relief sought being one of declaration of legal heirship, such non-impleadment is not fatal to the case.

iv) Accordingly, this Court holds that the Plaintiffs, along with the deceased Lakshmiammal (through her lineage) and late Venkatesh, are the legal heirs of the deceased Shanmugathevar, and the Plaintiffs are entitled to the relief of declaration as prayed for.

7. Answer to Issues No.3:-

The parties are not entitled to any other relief.

In the result, the suit is decreed as prayed for, declaring that the Plaintiffs, along with the deceased Lakshmiammal (through her lineage) and late Venkatesh, are the legal heirs of the deceased Shanmugathevar, and the 1st

Defendant is directed to issue the Legal Heirship Certificate accordingly; no order as to costs.

Dictated to the Steno-typist directly and typed by him in computer, corrected and pronounced by me in open court, this the **30th day of March 2026.**

**District Munsif,
Shencottai.**

Plaintiffs Side Witnesses:

PW1 - Krishnan (4th Plaintiff)

Plaintiffs Side Documents:-

Ex.A1 21.08.1991 Death certificate of Shanmuga Thevar.

Ex.A2 -- Copy of Aadhaar card in the name of 4th Plaintiff.

Defendants side Witnesses and Documents:

Nil

**District Munsif,
Shencottai.**

DM Court, Shencottai,
O.S.No.17/2024
Draft/Fair Judgment
Dated. 30.03.2026