

IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.

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

District Munsif, Shencottai.

Tuesday, the 30th day of June 2026

ORIGINAL SUIT No.24/2025

(CNR.No.TNTS11-000579-2025)

1.Kannammal

2. Mano

3. Vignesh

.. Plaintiffs

/Vs/

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

2. The Tahsildar, Taluk Office, Shencottai.

3. Kannan

4. Madhan

5. Vino

.. Defendants

The suit came before me for final hearing on 16.03.2026 in the presence of Thiru.Y.Azath, Advocate for the Plaintiffs and Thiru.M.Rahuman Sadat, (Government Pleader) Advocate for the 1, 2 Defendants and Other Defendants have remained exparte 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 for a decree of declaration that plaintiffs 1 to 3 and defendants 3 to 5 are the absolute legal heirs of the late Muthaiah, and for a mandatory injunction directing the second defendant to process and issue a legal heirship certificate to that effect, along with costs of the suit.

2. Plaintiff Case in a Nutshell:-

The plaintiffs, residents of Periapillaivalasai Village professing Hinduism, state that the first plaintiff is the widow of the late Muthaiah, a retired Indian Railways employee. Muthaiah's first wife, Mohanammal (mother of defendants 3 to 5), passed away on July 9, 1992. Following her demise, Muthaiah validly married the first plaintiff on November 10, 1993, out of which plaintiffs 2 and 3 were born. The first plaintiff's name is officially recorded in the deceased's railway pension records. Upon Muthaiah's intestate demise on November 15, 2024, plaintiffs 1 to 3 and defendants 3 to 5 became his sole surviving legal heirs, his parents having predeceased him decades ago. Since Muthaiah's death, the plaintiffs and defendants 3 to 5 have been in joint possession of his movable and immovable properties. To claim government benefits and effect revenue mutations, the first plaintiff applied online for a legal heirship certificate on February 19, 2025, vide application number TN-720250219496. The second defendant, however, rejected the application on the erroneous ground that the deceased left behind two surviving wives, overlooking the death of the first spouse. Asserting that no other legal heirs exist and no parallel suits have been filed, the plaintiffs seek a declaration of legal heirship for plaintiffs 1 to 3

and defendants 3 to 5, and a mandatory injunction directing the second defendant to issue the certificate.

3. 1, 2 Defendants Case in a Nutshell:

The defendants contest the suit as vexatious, legally unsustainable, and driven by an ulterior motive. Placing the strict burden of proof upon the plaintiffs, the defendants demand independent substantiation of all material facts, including Mohanammal's date of death, the validity of Muthaiah's second marriage, the birth of plaintiffs 2 and 3, the death of Muthaiah's parents, and the plaintiffs' current enjoyment of the suit properties. Beyond traversing the facts, the defendants raise a fundamental maintainability objection, contending that the suit is legally flawed as the plaintiffs ought to have filed a regular Succession Original Petition (SOP) under the Indian Succession Act before the competent court at Shencottai rather than instituting a comprehensive civil suit. Denying all other plaintiff allegations, the defendants pray for the dismissal of the suit.

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

1. Whether the plaintiffs and 3 to 5 defendants are entitled to the relief of declaration as the legal heirs of the deceased Muthaiah?
2. Whether the plaintiffs and 3 to 5 defendants are entitled for the relief of mandatory injunction direct in the 2nd defendant to issue a legal heirs certificate?
3. To what other relief the parties are entitled to?

5. In this case, on the side of plaintiffs, PW1 was examined and Ex.A1 to Ex.A10 were marked. On the side of Defendants 1 & 2, no oral or documentary evidence was produced. On the side of the Court, Witness XW1 was examined, and no documents were adduced.

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

i) The above issues are interconnected and arise out of the same set of facts. Hence, they are taken up together and answered by this common discussion.

ii) The admitted case of the parties is that the 1st plaintiff is the second wife of the deceased Muthaiah and that the plaintiffs as well as defendants 3 to 5 are Hindus. The principal question that arises for consideration is whether the marriage between the 1st plaintiff and the deceased was a valid marriage, thereby entitling the plaintiffs and defendants 3 to 5 to be declared as the legal heirs of the deceased.

iii) In this regard, this Court relies upon Section 5 of the Hindu Marriage Act, 1955, which provides that a marriage may be solemnized between any two Hindus if, among other conditions, neither party has a spouse living at the time of the marriage. Therefore, for a second marriage to be valid, it must be established that the earlier spouse of the party had already died before the subsequent marriage.

iv) In the present case, it is not in dispute that the marriage with the deceased was the first marriage of the 1st plaintiff. The evidence of PW1 and XW1, coupled with the documentary evidence, clearly establishes that the deceased's first wife, Mohanammal, died on 09.07.1992. The death certificate of Mohanammal has been

marked as Ex.A9. Further, the marriage invitation relating to the marriage between the 1st plaintiff and the deceased, dated 10.11.1993, has been marked as Ex.A7. These documents unmistakably show that the marriage between the 1st plaintiff and the deceased was solemnized only after the demise of Mohanammal. Consequently, the condition prescribed under Section 5 of the Hindu Marriage Act stood duly satisfied, and the marriage between the 1st plaintiff and the deceased was a valid marriage in the eye of law.

v) The Pension Payment Order issued by the Indian Railways, marked as Ex.A6, also records the 1st plaintiff as the wife of the deceased, lending further corroboration to the plaintiffs' case. Ex.A1, the death certificate of Muthaiah, establishes that he died intestate on 15.11.2024. There is no material on record to show the existence of any other legal heir apart from the plaintiffs and defendants 3 to 5. The defendants, despite filing a written statement, have neither adduced any oral nor documentary evidence to rebut the evidence adduced by the plaintiffs. Their contention regarding the maintainability of the suit is devoid of merit, as a Civil Court is competent to declare the legal heirship of parties where such declaration is sought for the purpose of establishing civil rights.

vi) Since the marriage of the 1st plaintiff with the deceased is held to be valid, plaintiffs 2 and 3, being the children born out of the said lawful wedlock, are legitimate children and are Class-I legal heirs of the deceased along with the 1st plaintiff and defendants 3 to 5. Therefore, this Court holds that plaintiffs 1 to 3 and

defendants 3 to 5 are the only legal heirs of the deceased Muthaiah.

Vii) In view of the above finding, the rejection of the plaintiffs' application for issuance of a legal heirship certificate by the second defendant is unsustainable. Consequently, the plaintiffs are entitled to a declaration that plaintiffs 1 to 3 and defendants 3 to 5 are the legal heirs of the deceased Muthaiah, and they are also entitled to a mandatory injunction directing the second defendant to process and issue the legal heirship certificate accordingly. Accordingly, **Issues Nos.1 and 2 are answered in favour of the plaintiffs.**

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. It is hereby declared that plaintiffs 1 to 3 and defendants 3 to 5 are the absolute legal heirs of the late Muthaiah. Further, a mandatory injunction is hereby granted directing the second defendant to process and issue the legal heirship certificate to that effect. There shall be 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 June 2026.**

**District Munsif,
Shencottai.**

Plaintiffs Side Witnesses:

PW1 - Kannammal (1st Plaintiff)

Plaintiffs Side Documents:-

Ex.A1	15.11.2024	Death Certificate of Muthiah.
Ex.A2	29.04.2024	Endorsement Letter.
Ex.A3	--	Copy of Aadhaar card in the name of 1 st Plaintiff.
Ex.A4	--	Copy of Aadhaar card in the name of 2 nd Plaintiff.
Ex.A5	--	Copy of Aadhaar card in the name of 3 rd Plaintiff.
Ex.A6	--	Copy of the Pension Payment Order issued to the late Muthaiah (husband of 1st plaintiff) by Indian Railways.
Ex.A7	10.11.1993	Marriage Invitation.
Ex.A8	--	Copy of the Railway Identity Card issued to the 1st plaintiff's husband.
Ex.A9	09.07.1992	Copy of the Death Certificate of Mohanammal.
Ex.A10	--	Copy of Aadhaar card in the name of Muthaiah.

Defendants side Witnesses and Documents:

Nil

Court Side Witnesses:

XW1 - Mano (2nd Plaintiff)

Witnesses documents:

Nil

**District Munsif,
Shencottai.**

DM Court, Shencottai,
O.S.No.24/2025
Draft/Fair Judgment
Dated. 30.06.2026