

IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.

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

District Munsif, Shencottai.

Wednesday, the 29th day of April 2026

ORIGINAL SUIT No.49/2025

(CNR.No.TNTS11-002969-2025)

1. Murugaiah

2. Ganesan

3. Lakshmi

4. Kalyani

5. Gomathi

.. Plaintiffs

/Vs/

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

2. The Tahsildar, Taluk Office, Shencottai.

.. Defendants

The suit came before me for final hearing on 17.04.2026 in the presence of Thiru.K.Sailapathy Sivagnanam, Advocate for the Plaintiffs and Defendants have remained exparte and after hearing Plaintiffs side 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 the suit seeking a decree of declaration to declare that the deceased father Perumal, the deceased mother Muthammal, the deceased first

wife Subbammal, the deceased sons Perumal, Muthaiah, and Narayanan, along with the plaintiffs Murugaiah, Ganesan, Lakshmi, Kalyani, and Gomathi are the only legal heirs of the deceased Shenbagarama Moopanar, and for a mandatory injunction directing the 2nd Defendant to issue the Legal Heir Certificate to the 1st Plaintiff, together with the costs of the suit.

2. Plaintiffs' Case in a Nutshell:

i) One Shenbagarama Moopanar, son of Perumal Moopanar, resided at Door No. 97, Street No. 8, Ward No. 8, Shencottai Kasba, within the jurisdiction of this Hon'ble Court. The said Shenbagarama Moopanar initially married one Subbammal and led a matrimonial life, out of which Perumal (1), Muthaiah (2), and Narayanan (3) were born as their legal heirs. Under these circumstances, due to the ill health of the said Subbammal and owing to family circumstances, Shenbagarama Moopanar married one Kuppammal as his second wife. Out of the wedlock between Shenbagarama Moopanar and Kuppammal, the Plaintiffs herein were born as their legal heirs. Shenbagarama Moopanar, the father of the Plaintiffs, lived as a Hindu until the end and passed away naturally on 30.09.1982 at the age of 85. A photocopy of his Death Certificate is produced herewith. Subbammal, the first wife of Shenbagarama Moopanar, lived as a Hindu and passed away naturally on 24.12.1983 at the age of 78. Kuppammal, the second wife of Shenbagarama Moopanar, lived as a Hindu and passed away naturally on 22.07.2010 at the age of 79. Perumal, the son born through the first wife of Shenbagarama Moopanar, lived as a Hindu and passed away naturally on 06.10.2005 at the age of 75. Muthaiah, the second son born

through the first wife, lived as a Hindu and passed away naturally on 15.05.2008 at the age of 71. Narayanan, the third son born through the first wife, lived as a Hindu and passed away naturally on 12.12.2023 at the age of 81. Further, Perumal Moopnar and Muthammal, the father and mother of the said Shenbagarama Moopnar, passed away approximately 70 years and 65 years ago respectively. Due to ignorance, the family members of the Plaintiffs failed to register their deaths with the appropriate authorities at that time. Thus, the deceased first wife Subbammal, the deceased sons Perumal, Muthaiah, and Narayanan, the Plaintiffs (who are the heirs through the deceased second wife Kuppammal), and the deceased parents of Shenbagarama Moopnar are his legal heirs. There are family properties held in the name of the deceased Shenbagarama Moopnar. As a Legal Heir Certificate was required to register documents concerning these family properties, the 1st Plaintiff applied for the same through the online portal at the office of the 2nd Defendant on 20.02.2025.

ii) Upon conducting a field inquiry regarding the 1st Plaintiff's application, the office of the 2nd Defendant rejected the application on the ground that the deceased father, Shenbagarama Moopnar, had two wives. The 1st Plaintiff came to know of this through the computer-generated "Check Status" report. A copy of the said "Check Status" report is produced herewith. Due to the order passed by the 2nd Defendant, the Plaintiffs are unable to execute any documents concerning the property of the deceased Shenbagarama Moopnar.

iii) As per the Hindu Succession Act, the deceased father Perumal (1), deceased mother Muthammal (2), deceased first wife Subbammal (3), deceased sons Perumal (4), Muthaiah (5), and Narayanan (6), along with the 1st Plaintiff Murugaiah (7), 2nd Plaintiff Ganesan (8), 3rd Plaintiff Lakshmi (9), 4th Plaintiff Kalyani (10), and 5th Plaintiff Gomathi (11) are the only legal heirs of the deceased Shenbagarama Moopnar. There are no other legal heirs apart from the aforementioned persons. Therefore, the Plaintiffs have filed this suit seeking a Declaration that the aforementioned persons (1 to 11) are the legal heirs of the deceased Shenbagarama Moopnar and for a Mandatory Injunction directing the 2nd Defendant to issue a Legal Heir Certificate to the 1st Plaintiff including the names of the said heirs.

3. The defendants failed to appear before this court and were set *ex parte*. The Plaintiffs side PW1 was examined and documents marked as Ext.A1 to Ext.A12.

4. Point of Consideration:-

Whether the plaintiffs are entitled for the relief as prayed for?

i) This Court has carefully considered the pleadings, evidence, and the profound socio-legal implications of the case. At the outset, it is pertinent to observe that the burden of proving the entitlement to the reliefs of declaration and mandatory injunction rests squarely upon the plaintiffs. To discharge this burden, the 1st plaintiff examined himself as PW1 and produced documentary evidence marked as Ex.A1 to Ex.A12. Despite the service of summons, the defendants remained absent and were set *ex-parte*. Under the settled principles of law, when a witness is not cross-

examined on material aspects of their testimony, such evidence is deemed to be accepted. Thus, the testimony of PW1 remains uncontroverted and inspires the confidence of this Court.

ii) The core of the plaintiffs' case relies on proving the lineage and the deaths of the preceding heirs. The death certificate of the propositus, Shenbagarama Moopanar (Ex.A1), confirms his demise on 30.09.1982. The subsequent deaths of the first wife Subbammal, the second wife Kuppammal, and the three sons born through the first wedlock—Perumal, Muthaiah, and Narayanan—are conclusively established through the death certificates marked as Ex.A2 to Ex.A6. Furthermore, the identity and relationship of the surviving plaintiffs (the children of the second wife) are corroborated by their identification documents marked as Ex.A7 to Ex.A11.

iii) The primary grievance of the plaintiffs arises from the 2nd defendant's rejection of the Legal Heir Certificate application, as evidenced by the "Check Status" report (Ex.A12). The 2nd defendant appears to have denied the certificate solely on the ground of the deceased having had two wives. However, under the Hindu Succession Act, the legitimacy of children born through subsequent marriages for the purpose of inheritance is well-recognized. A mere administrative difficulty or the complexity of a family tree involving multiple marriages is not a valid legal ground to deny a citizen their right to a Legal Heir Certificate, provided the lineage is proved before a competent Civil Court.

iv) In view of the meticulous evaluation of the oral and documentary evidence, this Court finds no reason to doubt the genealogy presented by the plaintiffs. There is no evidence on record to suggest the existence of any other legal heirs. The plaintiffs have successfully established that they, along with the deceased heirs mentioned in the plaint, constitute the complete list of legal heirs of the late Shenbagarama Moopanar. Consequently, the plaintiffs are entitled to the declaration and the consequential mandatory injunction as prayed for.

In the result, the suit is decreed as prayed for as follows: It is hereby declared that the deceased father Perumal, the deceased mother Muthammal, the deceased first wife Subbammal, the deceased sons Perumal, Muthaiah, and Narayanan, along with the plaintiffs Murugaiah, Ganesan, Lakshmi, Kalyani, and Gomathi are the only legal heirs of the deceased Shenbagarama Moopanar. A mandatory injunction is issued directing the 2nd defendant to issue the Legal Heir Certificate to the 1st plaintiff, including the names of all the aforementioned heirs, within two months from the date of this decree; and under the circumstances of the case, 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 **29th day of April 2026.**

**District Munsif,
Shencottai.**

Plaintiffs Side Witnesses:

PW1 - Murugaiah (1st Plaintiff)

Plaintiffs Side Documents:-

Ex.A1	30.09.1982	Death Certificate of Shenbagarama Moopanar
Ex.A2	24.12.1983	Death Certificate of Subbammal.
Ex.A3	22.07.2010	Death Certificate of Kuppammal.
Ex.A4	06.10.2005	Death Certificate of Perumal.
Ex.A5	15.05.2008	Death Certificate of Muthaiah.
Ex.A6	12.12.2023	Death Certificate of Narayanan.
Ex.A7	--	Copy of the Aadhaar Card of the 1 st Plaintiff.
Ex.A8	--	Copy of the Aadhaar Card of the 2 nd Plaintiff.
Ex.A9	--	Copy of the Aadhaar Card of the 3 rd Plaintiff.
Ex.A10	--	Copy of the Aadhaar Card of the 4 th Plaintiff.
Ex.A11	--	Copy of the Aadhaar Card of the 5 th Plaintiff.
Ex.A12	20.02.2025	Copy of the status showing the 2nd Defendant's order on the Legal Heir Certificate petition.

Defendants side Witnesses and Documents:

Nil

**District Munsif,
Shencottai.**

DM Court, Shencottai,
O.S.No.49/2025
Draft/Fair Judgment
Dated. 29.04.2026