

IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.

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

District Munsif, Shencottai.

Wednesday, the 18th day of March 2026

ORIGINAL SUIT No.42/2023

(CNR.No.TNTS11-019731-2022)

1. Shakeela Beevi

2. Anwar

3. Arsath

.. Plaintiffs

/Vs/

1. The Tahsildar, Taluk Office, Shencottai.

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

.. Defendants

The suit came before me for final hearing on 13.03.2026 in the presence of Thiru.K.Esakkidurai, 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 to declare them as the sole legal heirs of the deceased Syed Masood and a mandatory injunction directing the 1st Defendant to issue a Legal Heir Certificate in their favor, along with costs.

2. Plaintiff Case in a Nutshell:-

The case of the Plaintiffs, in brief, is that the 1st Defendant, being the Tahsildar of Shenkottai, is the competent authority to issue legal heir certificates within his jurisdiction, functioning under the administrative control of the 2nd Defendant, namely the District Collector. The husband of the 1st Plaintiff and father of Plaintiffs 2 and 3, late Syed Masood, died on 20.05.2016 in a motor vehicle accident, which is substantiated by the death certificate and the FIR in Crime No. 82/2016 of Puliyarai Police Station. It is the specific case of the Plaintiffs that the 1st Plaintiff is the legally wedded wife of the deceased, and Plaintiffs 2 and 3 are their children born out of the said wedlock, and that the parents of the deceased had predeceased him. The Plaintiffs applied for issuance of a legal heir certificate on 26.07.2022 through E-Seva, but the 1st Defendant rejected the request on the ground that there was a report indicating that the deceased had more than one wife, without furnishing particulars or conducting a proper enquiry. According to the Plaintiffs, the said endorsement is vague, arbitrary, and unsustainable, as the deceased had no other wife or children apart from the Plaintiffs. It is further contended that the non-issuance of the legal heir certificate has deprived them of availing Government benefits and performing necessary formalities, thereby causing hardship. Hence, the present suit has been filed seeking a declaration that the Plaintiffs are the legal heirs of the deceased Syed Masood and for a consequential mandatory injunction directing the 1st Defendant to issue the legal heir certificate.

3. Defendants Case in a Nutshell:

The Defendants, in their written statement, contend that the suit laid by the Plaintiffs is devoid of merits and liable to be dismissed in limine. While admitting the death of Syed Masood in the accident, they specifically deny all other averments made in the plaint. It is their categorical stand that the Plaintiffs have approached this Court suppressing material facts, inasmuch as the deceased Syed Masood had a first wife by name Mydeen Beevi, and through the said wedlock, two daughters, namely Jesimal Begum and Sasinal Begum, were born. According to the Defendants, the 1st Plaintiff is only the second wife of the deceased and not the sole legally wedded wife as claimed. It is further contended that the said first wife and her daughters, being necessary parties and legal heirs, have not been impleaded in the present suit, and therefore, the suit is bad for non-joinder of necessary parties and is liable to be dismissed on that ground alone.

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

1. Whether the Plaintiffs are legal heirs of the deceased Syed Masood?
2. Whether the plaintiffs are entitled get the relief of Declaration as prayed?
3. Whether the plaintiffs are entitled to get the relief of the Mandatory injunction as prayed for?
4. To what other reliefs?

5. In this case, on the side of plaintiffs, PW1 was examined and Ex.A1 to Ex.A6 were marked. On the side of Defendants, No oral evidence and documentary evidence were produced.

6. Answer to Issues No.1 to 3:-

i) It is an admitted fact on both sides that Syed Masood died in a motor vehicle accident. It is also not in dispute that the 1st Plaintiff claims to be the wife of the deceased and Plaintiffs 2 and 3 claim to be his children. Further, it is admitted that the Plaintiffs had applied for issuance of a legal heir certificate before the 1st Defendant, the Tahsildar, and that the same was not granted, which led to the filing of the present suit. The registration of the criminal case in respect of the accident and the issuance of the death certificate are also not in controversy. However, the claim of the Plaintiffs that they alone constitute the legal heirs of the deceased is seriously disputed by the Defendants.

ii) On a careful consideration of the entire materials, this Court finds that though the plaint does not disclose the existence of the first wife and her children, the 1st Plaintiff, while deposing as PW1, has fairly and unequivocally admitted that the deceased had earlier married one Mydeen Beevi and that two daughters, namely Jesimal Begum and Sasinal Begum, were born out of the said wedlock. This candid admission clearly indicates that there was no wilful or deliberate suppression of material facts by the Plaintiffs. It is also evident that the 1st Plaintiff is not well-versed in reading and writing except in Malayalam, and therefore, it would be unreasonable to expect her to fully comprehend or verify every detail stated in the

plaint. In such circumstances, any omission in the pleadings cannot be put against the litigant. A party should not be made to suffer for the mistake of the counsel, who, being an officer of the Court, is duty-bound to place true and complete facts and properly advise the client.

iii) At the same time, the evidence on record clearly establishes that the Plaintiffs are not the sole legal heirs of the deceased. The first wife, Mydeen Beevi, and her two daughters are also legal heirs of Syed Masood. It is a settled position under Mohammedan Law that a Muslim male is permitted to have more than one wife, and such marriages are not invalid per se. Therefore, the status of the first wife and her children as legal heirs cannot be ignored.

iv) In view of the above, this Court holds that the Plaintiffs, along with Mydeen Beevi and her daughters Jesimal Begum and Sasinal Begum, are the legal heirs of the deceased Syed Masood. Accordingly, Issue No.1 is answered to that effect. Since the Plaintiffs have sought a declaration as if they alone are the legal heirs, the said relief cannot be granted in full; however, they are entitled to a limited declaration recognizing them as among the legal heirs, and hence Issue No.2 is partly answered in their favour. Consequently, the Plaintiffs are entitled to the relief of mandatory injunction directing the 1st Defendant to issue the legal heir certificate by including all the legal heirs of the deceased, subject to the Plaintiffs furnishing necessary particulars of the other heirs, and thus Issue No.3 is also partly answered in favour of the Plaintiffs.

7. Answer to Issues No.4:-

The parties are not entitled to any other relief.

In the result, the suit is partly decreed. It is hereby declared that the Plaintiffs, along with one Mydeen Beevi (first wife of the deceased) and her daughters Jesimal Begum and Sasinal Begum, are the legal heirs of the deceased Syed Masood. The relief of declaration, insofar as it seeks to declare the Plaintiffs alone as the exclusive legal heirs, is rejected. The 1st Defendant is directed to issue the legal heir certificate by including all the aforesaid legal heirs, subject to the Plaintiffs furnishing the necessary particulars of the first wife and her children. In 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 **18th day of March 2026.**

**District Munsif,
Shencottai.**

Plaintiffs Side Witnesses:

PW1 - Shakeela Beevi (1st Plaintiff)

Plaintiffs Side Documents:-

Ex.A1	20.05.2016	Death certificate of Seyed Masood.
Ex.A2	---	Affidavit of Notary Public regarding the death of Asmal Begam.
Ex.A3	26.07.2022	Acknowledgment receipt for the application of Legal Heir Certificate.

- Ex.A4** -- Endorsement letter.
- Ex.A5** -- Copy of Aadhaar card in the name of 1st Plaintiff.
- Ex.A6** -- Copy of Aadhaar card in the name of 2nd Plaintiff.

Defendants side Witnesses and Documents:

Nil

**District Munsif,
Shencottai.**

DM Court, Shencottai,
O.S.No.42/2023
Draft/Fair Judgment
Dated. 18.03.2026