

**IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.**

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

Thursday, the 30<sup>th</sup> day of April 2026

**ORIGINAL SUIT No.15/2023**

**(CNR.No.TNTS11-019732-2022)**

Subramaniya Karayalar

.. Plaintiff

/Vs/

1. The Government of Tamil Nadu through its District Collector, Tenkasi District
2. The Tahsildar, Taluk Office, Shencottai.
3. Srengathammal (Died)
4. Kalyani
5. Ramkumar
6. Premkumar
7. Padmasanthi
8. Rahini @ Pirammanayaki
9. Rajammal
10. Prema

.. Defendants

**( Amended as per order in I.A.No.7/2025 dated 13.03.2025)**

This suit came before me for final hearing on 16.04.2026 in the presence of Tmt.K.Kalila, Advocate for the Plaintiff, Thiru.M. Rahuman Sadat (Government Pleader), Advocate for the 1st and 2nd Defendants, and Thiru. S. Krishnamurthy, Advocate for the 5<sup>th</sup> and 7<sup>th</sup> Defendants; the other defendants having remained ex-parte 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 Plaintiff has filed this suit seeking a decree of Declaration that the Plaintiff and the 4th Defendant are the sole legal heirs of the deceased late Kandaswamy Karayalar, a Mandatory Injunction directing the 2nd Defendant to issue a Legal Heirship Certificate to that effect, and for the recovery of the costs of the suit.

#### **2. Plaintiff's Case in a Nutshell:**

The Plaintiff asserts that his late father, Kandaswamy Karayalar, having had one son of unsound mind and three daughters with his first wife, Rajammal, contracted a second marriage with Sadachi Ammal during the subsistence of the first union to secure a male heir. From this second marriage, the Plaintiff and the 4th Defendant were born. Following the demise of Kandaswamy in 1962 and the subsequent passing of his first wife and most of her children, the Plaintiff sought a Legal Heirship Certificate in 2022, which was rejected by the 2nd Defendant due to the existence of two wives. Consequently, the Plaintiff has filed this suit seeking a declaration that he is the sole surviving legal heirs and a mandatory injunction to

compel the issuance of the certificate, maintaining that all other potential claimants from the first marriage are deceased or accounted for.

### **3. Case of Defendants 1st and 2nd in a Nutshell:**

The 1st and 2nd Defendants contend that the suit is legally flawed and factually baseless, putting the Plaintiff to strict proof regarding every material allegation, including the lineage of the first wife and the purported second marriage to Sadachi Ammal. They argue that the Plaintiff's narrative regarding the deaths and marital statuses of the various family members is inconsistent and that the Plaintiff has failed to establish the legitimacy of his claim as a legal heir. Furthermore, they raise a procedural objection, asserting that the Plaintiff ought to have filed a Succession Original Petition (SOP) rather than a civil suit, and pray for the dismissal of the suit as it lacks a valid cause of action and merit.

### **4. Case of Defendants 5th and 7th in a Nutshell:**

Defendants 5 and 7 challenge the suit as a fabricated and vexatious attempt to extort legitimate heirs, emphasizing that any marriage to Sadachi Ammal would be void under the Hindu Marriage Act as it allegedly occurred during the subsistence of the first marriage. They point to a sixty-year period of total inaction by the Plaintiff, during which time registered Settlement and Partition Deeds (dated 1953 and 1965) were executed by Kandaswamy Karayalar and his first family without any challenge or claim from the Plaintiff. Additionally, they argue the suit is fatally flawed due to the non-joinder of necessary parties—specifically the descendants of the deceased

daughters—and highlight the internal contradictions in the Plaintiff’s prayers, thereby seeking dismissal of the suit with costs.

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

1. Whether the Plaintiff is entitled to a decree of Declaration against the Defendants, declaring that the Plaintiff and the 4th Defendant are the legal heirs of the deceased, the late Kandaswamy Karayalar?
2. Whether the Plaintiff and the 4th Defendant are entitled to a Legal Heirship Certificate as the heirs of the said late Kandaswamy Karayalar, and whether a Mandatory Injunction should be issued against the 2nd Defendant to grant the same?
3. Whether the Plaintiff is entitled to the costs of this suit?
4. To what other reliefs is the Plaintiff entitled?

6. It is seen that due to inadvertence, the issues have been framed including reference to the fourth defendant, though the plaintiff has sought declaration only in respect of his own claim. Since the framing of issues must reflect the actual pleadings and the reliefs sought in the suit, this Court is of the view that the inclusion of the fourth defendant in the said issues is not warranted. Accordingly, exercising the power conferred under Order XIV Rule 5 of the Code of Civil Procedure, this Court strikes off Issues No.1 and 2 as originally framed and reframes the same suitably in consonance with the pleadings and reliefs as follows:-

- 1. Whether the Plaintiff is entitled to a decree of declaration against**

**the Defendants declaring that the Plaintiff and the 4th Defendant are the legal heirs of the deceased, late Kandaswamy Karayalar?**

- 2. Whether the Plaintiff is entitled to a Legal Heirship Certificate as the heir of the said late Kandaswamy Karayalar, and whether a mandatory injunction should be issued against the 2nd Defendant directing issuance of the same?**

7. In this case, On the side of the plaintiff, PW1 was examined and Ex.A1 to Ex.A4 were marked. On the side of the defendants, no oral evidence was adduced, and the documents marked were Ex.B1 to Ex.B4.

**8. Answer to Issues No.1 to 4:-**

i) The above issues are taken up together for a consolidated determination as they are interlinked. At the outset, this Court is constrained to observe that the Plaintiff has utterly failed to discharge the burden of proof cast upon him under the Indian Evidence Act to establish that he is the legal heirs of the alleged deceased, late Kandaswamy Karayalar. The entire case is built on shaky and unreliable material, which collapses on close scrutiny. The most serious infirmity is the glaring discrepancy between the date of birth mentioned in the Aadhaar Card and that found in the School Study Certificate (Ex.A4). These are foundational identity documents, and such contradiction is not a trivial error but a direct assault on the Plaintiff's claimed identity and lineage. A party seeking declaration of civil status cannot be permitted to rely upon inconsistent foundational records.

ii) The Plaintiff has also failed to establish the most basic and essential fact, namely, the marriage between his mother and the alleged deceased Kandaswamy Karayalar. There is absolutely no legally acceptable evidence to prove such marriage. No marriage invitation, no contemporaneous record, no community evidence, and not even a single credible witness has been examined to prove the alleged marital relationship or the Plaintiff's birth from such union. What is presented is nothing but a bald assertion without proof. Civil courts do not adjudicate on assumptions or narratives; they decide on evidence, which is conspicuously absent here.

iii) Equally fatal is the Plaintiff's failure to establish identity linkage between the person referred to as "Kandaswamy Karayalar" in various documents and the alleged deceased whose heirship is claimed. Mere repetition of a name is not proof of identity. The Plaintiff has not produced any contemporaneous documents to correlate and establish that the deceased referred to in different records is one and the same person. In the absence of such identity linkage, the claim remains vague, speculative, and legally unacceptable.

iv) The Plaintiff's case is further weakened by the complete absence of independent corroboration. No relatives, neighbours, or persons having personal knowledge of the family have been examined. No village records, revenue documents, or genealogy records have been produced. A claim of heirship spanning several decades cannot rest on self-serving statements alone. The law expects strict and credible proof, which is wholly missing in this case.

v) The Plaintiff has also not produced any birth certificate or any primary birth record to establish that he is born to the alleged Kandaswamy Karayalar. This is a fatal omission. Birth and parentage are foundational facts in an heirship claim and must be proved through primary records such as birth register entries, hospital records, or school admission extracts based on parental details. The complete absence of such basic evidence strikes at the root of the Plaintiff's case and renders the claim inherently unprovable.

vi) This evidentiary vacuum is compounded by contradictions in identity documents and the absence of proof regarding the alleged marriage. The Plaintiff has failed at every foundational level—birth, marriage, and identity linkage. What remains is a set of documents that neither individually nor collectively establish the claim of heirship.

vii) It is trite that a declaration of legal status cannot be granted on conjectures or assumptions. The Plaintiff's case suffers from fatal evidentiary gaps and material inconsistencies, and no amount of pleading can substitute proof. The attempt to secure a declaration without establishing the most elementary facts is legally impermissible.

viii) In view of the above, this Court holds that the Plaintiff has miserably failed to discharge the burden of proof and has not established even the basic foundational facts necessary for the relief sought. The suit is therefore devoid of merit and liable to be rejected in toto. All issues are answered against the Plaintiff.

**In the result, the suit is dismissed. 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 **30<sup>th</sup> day of April 2026.**

**District Munsif,  
Shencottai.**

**Plaintiff Side Witnesses:**

**PW1 - Subramania Karayalar (Plaintiff)**

**Plaintiffs Side Documents:-**

<b>Ex.A1</b>	03.10.2022	Copy of the Rejection Endorsement order for the Legal Heir Certificate application.
<b>Ex.A2</b>	--	Copy of the Aadhaar Card of the Plaintiff.
<b>Ex.A3</b>	--	Genealogy Table.
<b>Ex.A4</b>	--	Copy of the School Study Certificate from Primary School to Class V.

**Defendants side Witnesses:**

**Nil**

**Defendants Side Documents:-**

<b>Ex.B1</b>	30.7.2005	Copy of Avudaiammal's Death Certificate
<b>Ex.B2</b>	16.05.2002	Copy of Thangam Seenivasan. Death Certificate.
<b>Ex.B3</b>	13.06.2023	Copy of Srirengathammal Death Certificate.
<b>Ex.B4</b>	--	Copy of the reply to the petition submitted at the Free Legal Aid Centre.

**District Munsif,  
Shencottai.**

DM Court, Shencottai,  
O.S.No.15/2023  
Draft/Fair Judgment  
Dated. 30.04.2026