



TNTU080000572025

Presented on : 13.11.2024  
Registered on : 17.04.2025  
Decided on : 25.03.2026  
Duration : 11 Months, 8 days

**IN THE COURT OF DISTRICT MUNSIF, VANIYAMBADI**

Presided Over by THIRU. V. ESHWAR, B.E., L.L.B.,

**OS.46/2025**

**CNR.No. TNTU080000572025**

**Plaintiffs**

1. Nirmala
2. Vimalraj
3. Saranraj
4. Hema (Amended as per order in I.A.5/2026, dated: 30.04.2026)
5. Arunraj
6. Divyabharathi

**Defendants**

1. The Tahsildar, Vaniyambadi.
2. The State of Tamilnadu rep. by District Collector, Tirupattur

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Advocate for Plaintiffs: **A. Kathiravan**

Advocate for Defendants: **G.Boopathi (Govt. Pleader)** for D1 & D2

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**Claim: Suit for Declaration as Legal heirs**

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## **JUDGMENT**

**(Delivered on 25.03.2026)**

This is a civil suit filed under Section 34 of the Specific Relief Act, 1963, seeking a declaratory decree to declare the 1st, 2nd, 3rd, 5th, and 6th plaintiffs as the legal heirs of the deceased K. Idayavel, son of Kannu Mudhaliyar.

### **Summary of *Plaint averments***

2. The brief averments of the plaint are as follows: The deceased K. Idayavel married the 1st plaintiff, Nirmala, about 27 years ago. Out of this wedlock, the 2nd plaintiff, Vimalraj (born on 05.03.1998), and the 3rd plaintiff, Saranraj (born on 19.05.1999), were born. The plaintiffs further aver that the said K. Idayavel, with the consent of the 1st plaintiff, married the 4th plaintiff, Hema, about 26 years ago. Out of this second wedlock, the 5th plaintiff, Arunraj (born on 01.05.1999), and the 6th plaintiff, Divyabharathi (born on 01.11.2001), were born.

3. All the plaintiffs and the deceased lived together in the same household. K. Idayavel died intestate on 10.03.2024. The 4th plaintiff applied to the 1st defendant (Tahsildar) on 04.04.2024 for the issuance of a legal heir certificate. The 1st defendant rejected the application on the ground that the deceased had two wives. The plaintiffs aver that the 1st, 2nd, 3rd, 5th, and 6th plaintiffs are the sole surviving legal heirs of the deceased K. Idayavel. Hence, this suit.



**Summary of Written statement averments**

4. The brief averments of the written statement filed by the defendants are as follows: The suit is false, frivolous, and not maintainable in law. The defendants deny all the averments made in the plaint and put the plaintiffs to strict proof of the same. The defendants contend that the plaintiffs must strictly prove the first marriage of the deceased with the 1st plaintiff, the alleged second marriage with the 4th plaintiff, and the paternity of the children born through them. Furthermore, the plaintiffs have failed to disclose the details regarding the parents of the deceased K. Idayavel. The 1st defendant rightly rejected the application for a legal heir certificate as the deceased had two wives, which involves complex questions of law and fact requiring adjudication by a competent civil court. The defendants pray for the dismissal of the suit with compensatory costs.

**Issues Framed**

5. Based on the rival pleadings, this Court has framed the following issues for trial:

1. Whether the plaintiffs prove that the 1st, 2nd, 3rd, 5th, and 6th plaintiffs are the legal heirs of the deceased K. Idayavel?
2. Whether the plaintiffs are entitled to the declaratory relief sought for?
3. To what other reliefs, if any, are the plaintiffs entitled?



### **Evidence Adduced**

6. On the side of the plaintiffs, the 1st plaintiff examined herself as PW-1. She filed her proof affidavit reiterating the plaint averments regarding her marriage, the birth of her children, her husband's second marriage to the 4th plaintiff, the birth of children from the second marriage, and the death of her husband and his parents. She marked 9 documents as Ex.A1 to Ex.A9. During cross-examination, she admitted that the 4th plaintiff is the second wife of the deceased and acknowledged the legal impossibility of the second wife claiming legal heirship while the first wife is alive.

7. The plaintiffs examined one Palani as PW-2, who is an independent witness and a cousin of the deceased. He corroborated the testimony of PW-1 regarding the two marriages, the children born out of them, and the fact that the parents of the deceased died about 20 years ago. He was cross-examined by the defendants, wherein he confirmed his relationship to the parties and the existence of the two wives.

8. The defendants did not examine any witnesses and did not mark any documentary evidence.

### **Arguments of the Parties**

9. The learned counsel for the plaintiffs argued that the death of K. Idayavel is proved through Ex.A1. He submitted that though the 4th plaintiff is the second wife, the children born out of the second marriage (Plaintiffs 5 and 6)



are legitimate under Section 16 of the Hindu Marriage Act, 1955, and are entitled to equal shares as Class-I legal heirs under the Hindu Succession Act, 1956. He further argued that the parents of the deceased predeceased him, leaving Plaintiffs 1, 2, 3, 5, and 6 as the only legal heirs.

10. Per contra, the learned Government Pleader appearing for the defendants argued that the plaintiffs must establish their legal status through stringent documentary evidence. He pointed out the admission made by PW-1 in her cross-examination that she had initially sought heirship for all six plaintiffs in her chief affidavit, which contradicts the suit prayer. He argued that the Tahsildar correctly rejected the application as the revenue authorities cannot decide the validity of marriages and the legitimacy of children, and prayed for strict adjudication of the legal heirship under the personal laws.

### **Discussion and Reasons for Decision**

#### **As to Issue No. 1:**

11. The core dispute in this suit revolves around the determination of the legal heirs of the deceased K. Idayavel. The chronological facts established through evidence are that K. Idayavel died on 10.03.2024, as evidenced by the death certificate (Ex.A1). The relationship of the plaintiffs with the deceased is supported by Ex.A2 to Ex.A7 (Aadhaar cards of the plaintiffs) and Ex.A8 (Family Ration Card), which show the plaintiffs residing together under the headship of the deceased.



12. It is an admitted fact, established by the pleadings and the testimonies of PW-1 and PW-2, that K. Idayavel married the 1st plaintiff (Nirmala) first, and during the subsistence of this marriage, he married the 4th plaintiff (Hema). Under **Section 5(i) of the Hindu Marriage Act, 1955**, neither party to a marriage shall have a spouse living at the time of the marriage. Any marriage solemnized in contravention of this condition is null and void ab initio under Section 11 of the said Act. Consequently, the 4th plaintiff (Hema) does not possess the legal status of a legally wedded wife and, therefore, cannot be considered a Class-I legal heir under Section 8 of the Hindu Succession Act, 1956. The plaintiffs have rightly omitted the 4th plaintiff in the prayer for declaration.

13. During cross-examination, PW-1 deposed: "மேற்படி 4ம் வாதி உயிருடன் இருக்கும்போதே இறந்துபோன இதயவேல் என்பரின் வாரிசு என கோரமுடியாது என்ற விவரம் எனக்கு தெரியுமா என்றால் தெரியும். மேற்படி விவரம் எனக்கு தெரிந்தும் 4ம் வாதியும் உட்பட வாரிசுகளாக விளம்புகை செய்யக்கோரி எனது முதல் விசாரணை வாக்குமூலத்தில் கூறியுள்ளேன் என்றால் சரிதான்." (Translation: "If I am asked whether I know the fact that the said 4th plaintiff cannot claim to be the legal heir of the deceased Idhayavel, who died while the said 4th plaintiff was alive, the answer is yes, I know. It is true that despite knowing the said fact, I



*have stated in my first examination-in-chief deposition that the said 4th plaintiff and others should be declared as legal heirs.")* This admission clearly shows the plaintiff's realization of the legal position, and the discrepancy between the chief affidavit and the plaint prayer is a mere technical irregularity that does not vitiate the core claim of the legitimate heirs, as the plaint prayer is legally sound.

14. Regarding the 5th and 6th plaintiffs, who are the children of the void second marriage, the law is well-settled. Section 16(1) of the Hindu Marriage Act, 1955, confers the status of legitimacy on children born out of void and voidable marriages. Therefore, the 5th and 6th plaintiffs are the legal heirs of the deceased K. Idayavel, holding equal footing with the 2nd and 3rd plaintiffs (children of the first wife).

15. Furthermore, the defendants raised an objection in their written statement regarding the non-disclosure of the parents of the deceased, as the mother of a deceased Hindu male is a Class-I heir. However, PW-1 in her chief examination categorically stated, "என்னுடைய கணவர் இதயவேலின் தாயாரும், தகப்பனாரும் சுமார் 25 ஆண்டுகளுக்கு முன்பே இறந்துவிட்டார்கள்." This was corroborated by the independent witness PW-2, who deposed, "மேலும் இதயவேலின் தாயாரும், தகப்பனாரும் சுமார் 20 ஆண்டுகளுக்கு முன்பே இறந்துவிட்டார்கள் என்பதும் எனக்கு நன்கு தெரியும்." The defendants failed to cross-examine the witnesses on this



specific aspect, nor did they adduce any contra evidence. Therefore, applying Section 114 of the Indian Evidence Act, 1872, the uncontroverted oral evidence regarding the pre-death of the deceased's parents is accepted by this Court.

16. In light of the above statutory provisions and evidentiary analysis, this Court finds that the 1st plaintiff, the 2nd and 3rd plaintiffs, and the 5th and 6th plaintiffs are the only surviving Class-I legal heirs of the deceased K. Idayavel. Thus, Issue No. 1 is answered in the affirmative and in favour of the plaintiffs.

As to Issue No. 2:

17. The plaintiffs approached the 1st defendant for a legal heir certificate, which was rejected via Ex.A9 citing the existence of two wives. The revenue authorities have limited administrative jurisdiction and rightly directed the parties to the Civil Court when contested questions of personal law arise. Since a cloud was cast upon the legal status and inheritance rights of the plaintiffs, a suit for declaration is perfectly maintainable under Section 34 of the Specific Relief Act, 1963. Having proved their legal character and relationship as discussed in Issue No. 1, the plaintiffs 1, 2, 3, 5, and 6 are entitled to the declaratory relief sought. Thus, Issue No. 2 is answered in favour of the plaintiffs.

As to Issue No. 3:

18. The defendants are government officials who rejected the application strictly based on revenue standing orders regarding multiple spouses. Their



action was not mala fide but a procedural necessity. Therefore, this Court deems it fit not to impose any costs on the defendants. Issue No. 3 is answered accordingly.

**Result**

19. In the result, the suit is decreed on the following terms:

A. It is hereby declared that the 1st Plaintiff (Nirmala), 2nd Plaintiff (Vimalraj), 3rd Plaintiff (Saranraj), 5th Plaintiff (Arunraj), and 6th Plaintiff (Divyabharathi) are the legal heirs of the deceased K. Idayavel, S/o Kannu Mudhaliyar, who died on 10.03.2024.

B. Considering the facts and circumstances of the case, the parties shall bear their own costs.

*Directly typed by me in my official laptop, corrected and pronounced by me in the open court on this the 25 th day of March, 2026.*

**District Munsif,  
Vaniyambadi.**

**APPENDIX**

**List of Witnesses Examined for the Plaintiffs:**

- PW1 – Nirmala
- PW2 – Palani

**List of Exhibits marked for plaintiffs**

<b>Exhibit</b>	<b>Date</b>	<b>Description of Document</b>
Ex.A1	29.03.2024	Computer-generated Death Certificate of K.Idayavel (DOD: 10.03.2024)



Ex.A2	-	Copy of Aadhaar Card of the 1st Plaintiff (compared with original)
Ex.A3	-	Copy of Aadhaar Card of the 2nd Plaintiff (compared with original)
Ex.A4	-	Copy of Aadhaar Card of the 3rd Plaintiff (compared with original)
Ex.A5	-	Copy of Aadhaar Card of the 4th Plaintiff (compared with original)
Ex.A6	-	Copy of Aadhaar Card of the 5th Plaintiff (compared with original)
Ex.A7	-	Copy of Aadhaar Card of the 6th Plaintiff (compared with original)
Ex.A8	-	Copy of Family Ration Card bearing the names of plaintiffs 4 to 6 and the deceased K. Idayavel (compared with original)
Ex.A9	04.04.2024	Computer-printout Application Status showing rejection of legal heir certificate application by the 1st Defendant

**List of Witnesses Examined for the Defendants:** Nil

**List of Exhibits Marked for the Defendants:** Nil

**District Munsif,  
Vaniyambadi.**