

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: **Tr.K.Karthick Asath**, B.A.,B.L.,(Hons),LLM.,
District Munsif,
Gudiyattam.

Monday, this the 23rd day of March 2026

O.S.No.108/2024
(CNR.No.TNVL10-000160-2024)

1. Smt.Kalaivani (Died)
 2. M. Yuvaraj
- Plaintiffs
- (Amended as per order IA.02/2025 allowed on 15.07.2025)

// Versus //

1. Smt.Parimala
 2. M. Karthi
 3. M.Keenthan
 4. Magalakshmi
 5. The Tahsildhar,
Gudiyatham Taluk Office,
Gudiyatham, Vellore District.
 6. The State of Tamilnadu,
Rep by its District Collector,
Vellore, Vellore District.
- Defendants

This suit came up before this court on 16.03.2026 for final hearing in the presence of Thiru.M.Gnanavel, Advocate for the plaintiffs and Thiru.K.Loganathan, Advocate for the defendants 5, 6 and the defendants 1 to 4 are set exparte on 14.10.2024 and upon perusing the case records and having stood over for consideration till this day, this court delivered the following.

JUDGMENT

This suit was filed under order 7, Rule 1 and 2, Sec 26 of CPC to declare the plaintiffs and defendants 2 to 4 are the only legal heirs of deceased Margabandu and directing the 5th defendant to issue legal heirship certificate accordingly by way of mandatory injunction and for cost.

2. The Brief Averments of the Amended plaint :-

The case of the plaintiffs is that the deceased Margabandu married the 1st plaintiff Kalaivani in the year 1983 for them the 2nd plaintiff is born. Subsequently in the year 1993 deceased Margabandu married the 1st defendant Parimala, for them the defendants 2 to 4 are born. Subsequently the said Margabandu died on 12.12.2022 leaving behind the plaintiffs and defendants 2 to 4 are the legal heirs. The deceased Margabandu father Manickam died 45 years before and mother Masilamani died 40 years before. On that the 1st defendant Parimala approached the 5th defendant for issuance of legal heir certificate but the same was rejected by stating that deceased Margabandu have two wives, hence the present suit filed by the plaintiffs for declare that the plaintiffs and defendants 2 to 4 alone are the legal heirs of the deceased Margabandu. During pendency of the suit the 1st plaintiff died on 13.03.2025 leaving behind the 2nd plaintiff as her legal heir. Hence pleased to decreed the suit.

3. The Brief Averments of Written Statement filed by the 5th defendant:- (adopted by the 6th defendant):-

The defendant submits that after receipt of application given by the 1st defendant Parimala through online this defendant enquired particulars of

legal heirs of deceased Margabandhu through their sub-ordinates and at the time of enquiry there is no documentary proof to show that the plaintiffs and defendants 2 to 4 are alone legal heirs of deceased Margabandhu and the deceased has got two wives and belated application. The plaintiffs have not produced proper documents and statements with the officials regarding legal heirs of deceased Margabandhu. Hence this defendant reject the application given by the 1st defendant based on enquiry and report given by the concern VAO and RI. There is no personal enmity with the plaintiffs by this defendant. Hence the present suit as such filed by the plaintiffs is not maintainable under law.

4. Issues:-

On the basis of plaint and written statement filed by both parties the following issues were framed on 03.02.2025.

- i) Whether the plaintiff and defendants 2 to 4 are the only legal heirs of deceased Margabandu ?
- ii) Whether the plaintiffs are entitled to the relief of mandatory injunction as prayed for ?
- iii) To what other reliefs the plaintiffs are entitled to ?

5. Evidence :-

The 2nd plaintiff Yuvaraj has examined himself as PW1 and marked Ex.A1 to Ex.A5 and one Karthick examined as PW2. On defendants side counsel endorsed no evidence on their side.

6. Argument:-

6.1. Plaintiffs side failed to submit their side argument

6.2. 5th and 6th Defendants side Argument:-

The defendants counsel argued that the plaintiffs failed to file documents to prove the case and the marriage between the Margabandu and 1st plaintiff. The plaintiffs not filed proper document to prove their case hence prayed to dismiss the suit.

7. Discussion :-

This court after considering the defendants side argument and perusing the pertinent records this court proceed to delineate the findings based on the following discussion.

Issue No.1:- Whether the plaintiff and defendants 2 to 4 are the only legal heirs of deceased Margabandu ?

7.1. The case of the plaintiffs is that the deceased Margabandu married the 1st plaintiff Kalaivani in the year 1983 for them the 2nd plaintiff is born. Subsequently in the year 1993 deceased Margabandu married the 1st defendant Parimala, for them the defendants 2 to 4 are born. Subsequently the said Margabandu died on 12.12.2022 leaving behind the plaintiffs and defendants 2 to 4 are the legal heirs. The deceased Margabandu father Manickam died 45 years before and mother Masilamani died 40 years before. On that the 1st defendant Parimala approached the 5th defendant for issuance of legal heir certificate but the same was rejected by

stating that deceased Margabandu have two wives, hence the present suit filed by the plaintiffs for declare that the plaintiffs and defendants 2 to 4 alone are the legal heirs of the deceased Margabandu. During pendency of the suit the 1st plaintiff died on 13.03.2025 leaving behind the 2nd plaintiff as her legal heir. The defendants 1 to 4 failed to appear on summon hence they set exparte on 14.10.2024.

7.2. For proving the suit, the plaintiffs have filed Ex.A1 to Ex.A5. In that Ex.A1 is the death certificate of Margabandu dated 12.12.2022. The Ex.A2 and Ex.A3 are the Aadhar card photocopies of the plaintiffs. The Ex.A4 is the online application submitted by the 1st defendant. The Ex.A5 is the rejection order passed by the 5th defendant. On perusing the available records and Exhibits marked by the plaintiffs it is found that the deceased Margabandu died on 12.12.2022. For the deceased Margabandu and 1st plaintiff Kalaivani the 2nd plaintiff Yuvaraj was born. The defendants side not objected the relationship between the plaintiffs. On perusal of Ex.A5 rejection order the application for legal heir is rejected for stating that the deceased Margabandu have married two womens as wives. As alleged 2nd wife Parimala/1st defendant is the right person to deny the plaint pleadings but the defendants 1 to 4 failed to appear and deny the plaintiffs case.

7.3. Further the plaintiffs for proving their case the 2nd plaintiff examined as PW1 and one Karthick examined as PW2. On perusing the deposition of PW1 and PW2 it is found that the deceased Margabandu married the 1st plaintiff as first wife in the year 1993. For them the 2nd

plaintiff is born. Subsequently the deceased Margabandu married the 1st defendant Parimala in the year 1993 without dissolve his marriage with the 1st plaintiff, for them the defendants 2 to 4 are born. The father Masilamani and mother Manickammal of deceased Margabandu are previously died. On that the PW1 and PW2 are proved the plaintiffs case. They were also cross examined on the side of the defendants, but no contrary evidence has been eluciated to disbelieve the case of the plaintiffs. On considering the above discussion the plaintiffs has established their case through oral and documentary evidences. From the over all discussion this Court comes to the conclusion that the plaintiffs and defendants 2 to 4 alone are the legalheirs of the deceased Margabandu. This issue is answered accordingly.

8. Issue No.2:- Whether the plaintiffs are entitled to the relief of mandatory injunction as prayed for ?

The plaintiffs further sought for an relief of Mandatory Injunction directing the 5th defendant to issue the legalheirship certificate that the plaintiffs and defendants 2 to 4 are the only legalheir of the deceased Margabandu. In the foregoing issue, this Court declared that the plaintiffs and defendants 2 to 4 alone are the legalheir of the deceased Margabandu. While being so, if the 5th defendant has not issued the legalheirship certificate to the plaintiffs and defendants 2 to 4, then they will be put into irreparable loss. This relief is only consequential in nature. Thus, the plaintiffs are entitled for the relief of Mandatory Injunction as prayed for. This issue is answered accordingly.

9. Issue No.4:- To what other reliefs the plaintiffs are entitled for ?

Since the primary relief sought by the plaintiffs is granted, this Court on considering the facts and circumstance of the case concludes that the plaintiffs is not entitled to any other relief. This issue is answered accordingly.

10. Result :-

In the result, the suit is decreed.

(i) It is hereby declared that the plaintiffs and defendants 2 to 4 alone are the legalheirs of the deceased Margabandu.

(ii) The 5th defendant is hereby directed to issue legalheirship certificate to the plaintiffs and defendants 2 to 4.

(iii) Considering the facts and circumstance of this case, there will be no order of cost.

Dictated to Steno typist directly, typed by him in the desktop, corrected and pronounced by me in the open Court on this the 23rd day of March 2026.

Sd/- K.Karthick Asath,
District Munsif,
Gudiyattam.

Plaintiffs side Witnesses:-

PW1 Yuvaraj
PW2 Karthick

Plaintiffs side Exhibits:-

Ex.A1	11.01.2023	Xerox copy of the death certificate of Margabandu.
Ex.A2	-	Xerox copy of the Aadhar card of 1 st plaintiff
Ex.A3	-	Xerox copy of the Aadhar card of 2 nd plaintiff
Ex.A4	18.06.2024	Online application given by the 1 st defendant to the 5 th defendant
Ex.A5	18.06.2024	Online rejected application given by the 5 th defendant to the 1 st defendant

Defendants side witnesses & Exhibits :- Nil

Sd/- K.Karthick Asath,
District Munsif,
Gudiyattam.