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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.07.2025

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

S.A.No.676 of 2010

M.C.Bharathy

...Appellant / 5th Respondent / 5th Defendant

Vs.

1.Subash

2.Savithri

3.The District Collector
Erode.

4.The Revenue Divisional Officer
Dharapuram.

5.The Thasildar
Dharapuram.

6.Karunambal

7.Rukmani

8.Krishnaveni

9.Padmasundari

..Respondents / Respondents / Defendants

The Second Appeal filed under Section 100 of CPC, against the judgment and decree made in A.S.No.58 of 2007 dated 16.12.2008 on the file of the Fast Track Court, Dharapuram, reversing the judgment and decree



made in O.S.No.52 of 1999 dated 16.08.2007 on the file of the District Munsif Court, Dharapuram.

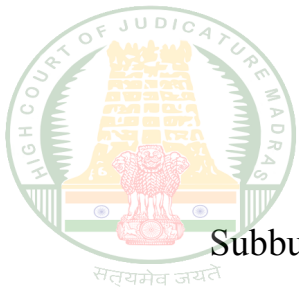
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For Appellant(s) : Mr.P.Chandrasekar
For R1 : Mr.T.L.Thirumalaisamy
For R2 : Mr.B.Dyaneswaran
For R3 to R5 : Mr.G.Amedius, Government Advocate.

JUDGMENT

The 5th defendant Mrs.M.C.Bharathy in O.S.No.52 of 1999 on the file of the District Munsif Court, Dharapuram, is the appellant herein. The 1st respondent, Subash, had filed O.S.No.52 of 1999 seeking a declaration that he is the only legal heir of late Govindaraj @ Govindasamy and Chellammal and for a mandatory injunction directing the 5th respondent, Thasildar, Dharapuram, to issue the legal heirship certificate in accordance with law.

2.In the plaint 1st respondent / plaintiff had stated that Govindaraj @ Govindasamy and Chellammal had adopted him on 10.06.1974 after going through all ceremonies relating to the adoption as prescribed and also an adoption deed had been executed and registered on 10.06.1974. The original had been produced as a document. His biological parents are Sangliraj and



Subbulakshmi. It is to be mentioned that Subbulakshmi is the sister of his adoptive mother Chellammal. The 1st defendant in the Suit, Savithiri was one of the daughter of his grandfather Narayanadass Udayar @ Narayanasamy Udayar through his second wife Nallammal. It is to be mentioned that Narayanadass Udayar @ Narayanasamy Udayar had a first wife Gundammal who had one son Govindaraj @ Govindasamy, the adoptive father of the plaintiff. The defendants had questioned the locus of the plaintiff to claim status as adoptive son of Govindaraj @ Govindasamy and Chellammal and this necessitated the Suit to be filed.

3.By judgment dated 16.08.2007, the District Munsif, Dharapuram, had framed a specific issue, whether the plaintiff is entitled for the relief of declaration as claimed and whether the claim of the 1st defendant that Govindaraj @ Govindasamy and Chellammal had no issues was correct. On examining the evidence produced, the Suit was dismissed.

4.Thereafter, the plaintiff filed A.S.No.58 of 2007 before the Fast Track Court, Dharapuram. This came up for consideration on 16.12.2008. The learned Fast Tract Court Judge, Dharapuram, before whom the Appeal



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had been made over had once again reappraised the evidence on record and however, came to a conclusion that the appellant therein had proved the factum of adoption. The adoption deed had been produced and marked as Ex.A1. It is also to be noted that quite apart from the documents produced during trial, the plaintiff had examined himself as PW-1 and also examined his biological mother Subbulakshmi as PW-2. Placing reliance on the evidence of the said witnesses, the learned Judge had given a definite conclusion that the adoption had been proved and therefore granted the declaration as sought for.

5.Challenging that judgment, the 5th defendant in the Suit had preferred the present Second Appeal.

6.The Second Appeal has not yet been admitted. The learned counsel for the appellant stated that he had issued communication to the appellant but there has been no response. However, the Court had examined the facts of the case. The 1st respondent had established the issue of adoption by producing the original Adoption Deed and also examining the biological mother as PW-2 and the witness to the adoption deed as PW-3. Quite



independent of the deed of adoption, the adoption had also been conducted by following necessary customary rights and therefore, there cannot be any cloud or suspicion raised over the said adoption. I am also informed that subsequent to the judgment of the first Appellate Court, the Tahsildar, Dharapuram, had also issued a Legal Heirship Certificate. No question of law arises for consideration. The Second Appeal fails and the same is dismissed. No order as to costs.

25.07.2025

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Index : Yes/No

Internet : Yes/No

Speaking order : Yes/No

To

- 1.The District Munsif Court, Dharapuram.
- 2.The Fast Track Court, Dharapuram.
- 3.The Section Officer,
VR Section, Madras High Court.



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C.V.KARTHIKEYAN,J.

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