



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

SA No. 651 of 2015

and

M.P.No.1 of 2015

1. Miniammal
W/o Late Irusa Gounder

2. Rajendran
S/o Late Irusa Gounder

3. Lakshmanan
S/o Latge Irusa Gounder

4. Dayanithi
S/o Late Irusa Goudner

5. Ramadevi
D/o Late Irusa Gounder

6. Selvi
D/o Late Irusa Gounder

7. Nirmala
D/o Late Irusa Goudner

8. Chandra
D/o Late Irusa Gounder

9. Mangayarkarasi
D/o Late Irusa Gounder,
All are residing at Kuppanna Gounder
Street, Karumalaikoodal
Mettur Dam R.S.2, Mettur Taluk,
Salem District.

Appellant(s)



Vs

1. Chinnathambi

S/o Palaniappa Gounder

Karumalaikodal Mettur Taluk, Salem
District.

2. Govindan

S/o Palaniappa Gounder

Karumalaikodal, Mettur Taluk, Salem
District.

3. Irusayee

W/o Vellaya Gounder Sellappanoor

Arambapalli Village

Mettur Taluk, Salem District.

4. Periya Irusayee

Arambapalli Village

Mettur Taluk, Salem

5. Saroja

W/o Kunjappan Sellappanoor

Kattuvalavu,

Arambapalli Village Mettur Taluk,
Salem.

6. Lakshmi

W/o Selvaraju,

Thuvakkudi, Trichi 11

Respondent(s)

PRAYER: Petition filed under Section 100 of the Code of Civil Procedure, 1908, against the judgment and decree dated 22.01.2015 made in A.S.No.20 of 2012 on the file of the Sub Court, Mettur, confirming the judgment and decree dated 30.08.2012 made in O.S.No.24 of 2000, on the file of the District Munsif Court, Mettur.



For Appellant(s): Mr.T.Murugamanickam
for Ms.Zeenath Begum

For Respondent(s): Mr.P.Mani for R1
R2 to R6-given up

JUDGMENT

This second appeal has been preferred against the decree passed by the first appellate Court in A.S.No.20 of 2012 on the file of the Sub Court, Mettur, wherein the appellant has preferred the said appeal, challenging the judgment and the decree passed by the trial Court/District Munsif Court, Mettur in O.S.No.24 of 2000 dated 30.08.2012.

2. The parties are referred to as per their own ranking before the trial Court for the sake of convenience:

3. The brief averments of the plaint are as follows:

The suit property originally belonged to one Palaniappa grounder by way of a registered Sale Deed, dated 17.11.1954 and he was in possession and enjoyment of the suit property. He had two wives namely, Arayee and Kolandaimmal. The said Palaniappa grounder died in the year 1986 and prior to him, in the year 1984, his wife Arayee died. The said Arayee had one son



namely, Irusagounder, who died 5 years prior to the filing of the suit. The defendants 1 to 8 and 14 are the wife and children of the said Irusagounder. The plaintiff and the defendants 9 to 13 are the sons and the daughter of Kolandaiammal, the 2nd wife of the said Palaniappa gounder. After the demise of the said Palaniappa gounder, the plaintiff and the defendants are in joint possession and enjoyment of the suit property. Due to some dispute arisen between the parties in the joint possession, plaintiff was unable to be in joint possession of the property. Thereafter, they demanded 1/7 share of the suit property and the defendants 1 to 8 and 14 together entitled to 1/7 share in the suit property and the other defendants are each entitled to 1/7 share in the suit property. Thereafter, a request was made by the plaintiff to effect partition of the suit properties by metes and bounds and to deliver them 1/7 share of the suit property. However, the defendants are not amenable for amicable partition. Therefore, the suit was filed for partition of suit properties into 7 parts and to allot one such share i.e., 1/7 share to the plaintiff and to delivery the separate possession to the plaintiff.

The brief averments of the written statement filed by the 1st defendant and adopted by the defendants 2 to 8 and 14 are as follows:

4. The defendants denied the averments of the plaint stating that the suit



property was purchased by Palaniappa gounder on 17.11.1954 through registered sale deed and the said Palaniappa gounder had two wives namely Arayee and Kolandaiyammal. The said Arayee alone is the wife of Palaniappa gounder and their son is Irusagounder. The defendants 1 to 8 are the legal heirs of the Irusagounder. The said Kolandaiyammal is not a wife of the Palaniappa gounder. The defendants denied that the plaintiff and the defendants were enjoying the suit property jointly. They also denied the alleged request for partition and the panchayat dated 09.01.2000 and panchayat muchalika are false. Except Arayee, Palaniappa gounder had no other wives. One Mangaiyerkarasi was not added as party in the suit. Therefore, the suit is not maintainable. In fact, the suit property was occupied by one Molaiya gounder, who is the father of the said Arayee. The said Arayee acquired the suit property from her father and patta also granted in favour of the Arayee in the year 1974. The said Irusagounder alone is the legal heir of the Palaniappa gounder and Arayee. The defendants 1 to 8 are the legal heirs of the said Irusagounder. The said Arayee died intestate leaving behind her husband and her son Irusagounder. After the demise of Irusagounder, the defendants 1 to 8 are in peaceful possession and enjoyment of the property. Neither the plaintiffs nor the defendants 9 to 13 have no right or title over the suit property. Therefore, the suit is liable to be dismissed.



5. Based on the above said pleadings, the trial Court has framed the following issues:

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1. Whether the suit properties belonged to the Palaniappa grounder as contended by the plaintiff?
2. Whether the averments that Palaniappa grounder had two wives namely Arayee and Kolandaiammal is true?
3. Whether the averments that the plaintiff and the defendants 9 to 13 are the heirs of Kolandaiammal is true?
4. Whether the plaintiff was in joint possession and enjoyment of the suit properties?
5. Whether the defendants 1 to 8 alone are the heirs of Palaniappa grounder?
6. Whether the suit properties were possession and enjoyment of Arayee as contended by the defendants 1 to 8?
7. Whether the defendants 1 to 8 alone are in possession and enjoyment of suit properties?
8. Whether the plaintiff is entitled to 1/7 share in the suit properties?
9. To what relief the plaintiff is entitled to?

Issue No.6 was modified as follows:

Whether the suit properties were possession and enjoyment of Arayee as contended by the defendants 1 to 8 and 14?

6. Before the trial Court, on the side of the plaintiff, PW1 to PW3 were



examined and marked Exs.A1 to A5. On the side of the defendants, DW1 and DW2 were examined and marked Exs.B1 to B14.

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7. After considering the evidence on both sides, the trial Court has decreed the suit and passed preliminary decree that the plaintiff is entitled to 1/14 share in the suit properties. Aggrieved by the same, the defendants 1 to 8 and 14 have preferred the first appeal in A.S.No.20 of 2012 on the file of the Sub Court, Mettur, on various grounds.

8. The first appellate Court after hearing both sides and perused the records framed the following points for determination:

- (i) Whether the judgment and the decree passed by the District Munsif Court, Mettur in O.S.No.24 of 2000 dated 30.08.2012 is liable to be dismissed?
- (ii) Whether the appeal is to be allowed or not?
- (iii) Whether what reliefs the appellants are entitled to ?

9. After considering the submissions of both sides, the first appellate Court has dismissed the appeal suit by confirming the judgment and decree in



O.S.No.24 of 2000 dated 30.08.2012 passed by the District Munsif Court, Mettur. Challenging the same, the defendants 1 to 8 and 14 have preferred the second appeal.

10. At the time of admitting the appeal, this Court formulated the following substantial questions of law:

(a) When a male Hindu inherits property from his wife who died intestate, then, after his death, whether this property should revert back to his wife's line succession as contemplated under Section 15(1)(a) of the Hindu Succession Act or should succession should operate under Section 8 of the said Act?

(b) Whether the children said to be born to Palaniappa gounder and Kolandaiyammal can claim benefit under Section 16 of the Hindu Marriage Act to be declared as legitimate children of Palaniappa Gounder, when the factum of marriage between Palaniappa Gounder and Kolandaiyammal has not been proved.

11. The learned counsel appearing for the appellants would submit that the first respondent/plaintiff has filed a suit for partition alleging that the suit property belongs to Palaniappa Gounder through registered sale deed dated 17.11.1954. He submitted that, in fact, the suit property originally belonged to one Molaiya Gounder, who is the father of Arayee and grandfather of the defendants 1 to 8 and 14. The said Arayee was in peaceful possession and enjoyment of the property till her life time. The said Arayee died intestate



leaving behind her husband Palaniappa Gounder and her only son Irusagounder to succeed her estate. The said Irusagounder died intestate leaving behind the defendants 1 to 8 and 14 as his legal heirs. The said Palaniappa Gounder also died leaving behind his only legal heir Irusagounder. Therefore, he submitted that the either plaintiff or the defendants 9 to 13 have no right or title over the suit property.

11.1. Further, he would submit that the plaintiff has filed the suit, claiming that they are the legal heirs of the Palaniappa Gounder through 2nd wife. However, the plaintiff has failed to prove the second marriage of Palaniappa Gounder and therefore, without proving the 2nd marriage, either the plaintiff or the defendants 9 to 13 are not entitled to the shares over the properties of said Palaniappa Gounder.

11.2. The trial Court after holding that the property belonged to Arayee and erroneously decreed the suit, as if the plaintiff and the defendants 9 to 13 are the children of Palaniappa gounder through 2nd marriage and entitled to 1/14 share of the suit properties. As against the said judgment and decree, the defendants 1 to 8 and 14 have preferred an appeal in A.S.No.20 of 2012 on the file of Sub Court, Mettur. The first appellate Court before considering the case of the defendants 1 to 8 and 14 and without appreciating the evidence in a



proper and perspective manner had erroneously dismissed the appeal. Therefore, he submitted that the Courts below have committed error and the judgment and the decree of the Courts below are liable to be set aside.

11.3. Further, he would submit that under Section 15(1)(a) of the Hindu Succession Act, either the plaintiff or the defendants 9 to 13 are not entitled to any shares over the suit properties and the same should be reverted back and the children born to Palaniappa Gounder and Kolaindayammal can claim benefit under Section 16 of the Hindu Marriage Act to be declared as legitimate children of Palaniappa Gounder, only after proving that the marriage between Palaniappa Gounder and Kolaindayammal are taken place. However, there is no evidence to prove the 2nd marriage of Palaniappa Gounder and Kolaindayammal. Therefore, he submitted that the judgment and decree passed by the trial Court are liable to be set aside. To fortify his submissions, learned counsel for the appellants placed reliance upon the following decisions:

- (i) P.Venkatachalam Vs. Tahsildar, Kumarapalayam Taluk, reported in 2022 (4) CTC 1,*
- (ii) K.Munuswami Gounder and another vs. M.Govindaraju and four others;*
- (iii) Visalakshi Ammal vs. Chellai Pillai. And*
- (iv) Lachman Singh vs. Kirpa Singh and others reported in*



(1987) 2 SCC 547

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12. The learned counsel for the respondents would submit that the plaintiffs and the defendants 9 to 13 are born to Palaniappa Gounder through his 2nd wife namely Kolaindayammal. The suit property belongs to father of the plaintiff and the defendants 9 to 13. After the demise of the said Arayee, the properties have been divided between the husband of the Arayee and her son Irusagounder. The said Palaniappa Gounder, who is the father of the plaintiff is entitled to half share over the properties of his wife Arayee. Therefore, the properties devolved through Arayee and the Palaniappa Gounder are separate properties. After the demise of the said Palaniappa Gounder, all the legal heirs are entitled to the properties. Though the defendants 1 to 8 and 14 denied the marriage between Palaniappa Gounder and Kolaindayammal, they admitted that the said Palaniappa Gounder and Kolaindayammal were lived together and thereby their long cohabitation can be presumed as husband and wife. The Court below rendered concurrent findings in respect of the marriage. Further, the legal heirship certificate was also issued by the Revenue Authorities and the same was not challenged by the appellants.

12.1. Further, he would submit that since the marriage was held long back, there are no records to prove the marriage between Palaniappa Gounder



and Kolaindayammal, however, independent witnesses were examined and they categorically deposed about the living together of Palaniappa Gounder and Kolaindayammal. Therefore, the plaintiff has proved the 2nd marriage between Palaniappa Gounder and Kolaindayammal. The Courts below correctly appreciated the facts and came to the concurrent findings. He further submitted that once the Palaniappa Gounder derived the property from his first wife Arayee, which is his separate property and after his demise all his legal heirs are entitled to share his properties. Since the marriage between the Palaniappa Gounder and Kolaindayammal was proved, the plaintiffs and the defendants 9 to 13 are entitled to share the properties of Palaniappa Gounder. Therefore, he submitted that the judgment passed by the Courts below does not require any interference of this Court and the present appeal is liable to be dismissed. In support, he relied upon the following decisions:

- (i) Challamma Vs. Tilaga and others reported in (2009) 9 Supreme Court cases 299 and***
- (ii) M.Yogendra and others Vs. Leelamma N and others reported in (2009) 15 Supreme Court cases 184.***

13. This Court heard both sides and perused the materials available on record.



14. In this case, there is no dispute with regard to the properties, which were acquired by Palaniappa Gounder through his 1st wife Aarayee. Though the plaintiff has produced the copy of the sale deed in the name of Palaniappa Gounder, already the Competent Court declared that the property belonged to one Aarayee through decree and judgment in O.S.No.205 of 2000, dated 10.10.2003. The plaintiffs and the defendants 9 to 13 have not challenged the above said decree and judgment and now the present appeal is filed only by the defendants 1 to 8 and 14. After the demise of Arayee, his husband Palaniappa Gounder and her son Irusagounder are equally entitled to her property. According to the appellants, after the demise of Palaniappa Gounder, the properties should revert back to his wife line of succession as contemplated under Section 15(2)(a) of the Hindu Succession Act. The said contention of the learned counsel for the appellants cannot be accepted because both the parties are admitting that the properties belonged to Arayee and after her demise, the said Palaniappa Gounder is entitled to half share and her son Irusagounder is entitled to half share. Section 15(2)(a) of the Act will not applicable in this case, since it deals with the property of female Hindu died intestate. After the demise of the said Arayee, the properties have already been devolved to Palaniappa Gounder and her son Irusagounder. Once the properties of Arayee devolved on her legal heirs – husband Palaniappa Gounder and her son



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Irusagounder, the said properties are separate properties of Palaniappa Gounder and Irusagounder and those properties shall not revert back to line of succession of Arayee. Now, the dispute is with regard to the properties devolved on the Palaniappa Gounder. Therefore, the applicability of Section 15(2)(a) of the Act, would not arise. If the Arayee died without any children leaving behind her husband, then the property of Arayee have to be reverted back to her line of succession as per Section 15(2)(a) of Hindu Succession Act. In this case, the Arayee had one son and her husband Palaniappa Gounder was also alive on the date of her death. As per Section 15(1)(a) of the Hindu Succession Act, after the demise of Arayee, her properties should devolve on her son Irusagounder and husband Palaniappa Gounder.

15. In this case, the said Arayee died leaving behind her husband and son as her legal heir and the same was inherited by them as per Section 15(1)(a) of the Hindu Succession Act. Further, till the life time of the Palaniappa Gounder either the Irusagounder or his legal heirs have not disputed the entitlement of share of Palaniappa Gounder. However, now after the demise of Palaniappa Gounder, his legal heirs cannot raise such a plea that after the demise of the said Palaniappa Gounder, his properties should be reverted back. In fact, the properties of Palaniappa Gounder have to be devolved as per Section 8 of the Hindu Succession Act.



16. The main contention of the appellants is that the plaintiff has not proved the marriage between Palaniappa Gounder and Kolaindayammal. The Courts below after considering the evidence adduced on both sides rendered finding that the plaintiff has proved that both Palaniappa Gounder and Kolaindayammal have lived together and their long cohabitation can be presumed as husband and wife. Further, the marriage between the Palaniappa Gounder and Kolaindayammal was solemnised long back thereby it is not possible to produce documentary evidences due to efflux of time. Further, the Courts below came to the conclusion that the plaintiff and the defendants 9 to 13 are the legal heirs of Palaniappa Gounder born through his 2nd wife. Therefore, this Court need not go into the factual aspects and the defendants 1 to 8 have also not denied the joint living of the Palaniappa Gounder and Kolaindayammal. The only contention of the defendants is that there is no proof for the marriage between Palaniappa Gounder and Kolaindayammal.

17. The learned counsel for the appellants relied upon the judgment of the Full Bench of this Court in the case of *P.Venkatachalam (supra)*, wherein this Court held that the legal heirship certificate issued by the Tahsildar does not determine the status of any parties to share the possession. Therefore, the Courts below relied upon the legal heirship certificate issued by the Revenue



Authorities by including the names of the plaintiffs and the defendants 9 to 13 cannot be taken as valid documents. It is true that the trial Court and the First appellate Court referred the legal heirship certificate but the Courts below have not solely relied upon the legal heirship certificate and based on the oral and documentary evidence rendered findings. Therefore, the said judgment is no way helpful to decide the case in favour of the appellants.

18. As per Section 15(1) of the Act, it is clear that the property of a female Hindu dying intestate shall devolve according to the rules set out in Section 16 - (a) firstly, upon the sons and daughters (including the children of any predeceased son or daughter) and the husband (b) secondly, upon the heirs of the husband

19. In the case on hand, Section 15(1)(a) is applicable and once the property devolved in favour of the son and husband of Arayee, after the demise of Palaniappa Gounder, the property has to be devolved as per the Section 8 of the Hindu Succession Act. Therefore, the decisions in the case of *K.Munuswami Gounder (supra)*; *Visalakshi Ammal (supra)* and *Lachman Singh (supra)*, are no way helpful to the appellants' case. Thus, this Court is of the view that the Courts below have rightly appreciated the facts and rendered



the correct decision.

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20. As far as the first substantial question of law - *When a male Hindu inherits property from his wife who died intestate, then, after his death, whether this property should revert back to his wife's line succession as contemplated under Section 15(1)(a) of the Hindu Succession Act or should succession should operate under Section 8 of the said Act?* – is concerned, it is an admitted fact that the property belonged to Arayee, the wife of Palaniappa Gounder and the mother of Irusagounder. After her demise, her husband Palaniappa Gounder and her son Irusagounder equally entitled to the property. After the demise of Palaniappa Gounder, his property has to be divided between the legal heirs of Palaniappa gounder, since the property derived from Arayee is his separate property. As per Section 15(1)(a) of the Hindu Succession Act, the property of a female Hindu dying intestate shall devolve according to the rules set out in Section 16 - (a) of the Hindu Succession Act firstly, upon the sons and daughters (including the children of any predeceased son or daughter) and the husband. Therefore, as per Section 15(1)(a) of the Hindu Succession Act, after the demise of Arayee, her son Irusagounder and her husband Palaniappa Gounder are jointly entitled to the property. Once the Palaniappa Gounder died, his property has to be divided as per Section 8 of the Hindu Succession Act. Therefore, in view of the above, Section 15(1)(a) of the Act is not applicable to this case. The



property of Arayee devolved in favour of her son and husband, as per Section 15(1)(a) of Hindu Succession Act and thereafter the property of Palaniappa Gounder would devolve on his heirs, and therefore, the property derived from Arayee is a separate property of Palaniappa Gounder. The said Palaniappa Gounder died intestate and therefore, the property of Palaniappa Gounder has to be partitioned as per Section 8 of the Act and Section 15(1)(a) is not applicable to the properties of Palaniappa Gounder. Thus, the first substantial question of law is answered, accordingly.

21. As far as the second substantial question of law - *Whether the children born to Palaniappa Gounder and Kolandiayammal can claim benefit under Section 16 of the Hindu Marriage Act to be declared as legitimate children of Palaniappa Gounder, when the factum of marriage between Palaniappa Gounder and Kolandaiyammal has not been proved?* – is concerned, in this case, the plaintiff and the defendants 9 to 13 were born to Palaniappa Gounder through his 2nd wife.

22. It is an admitted fact that the Palaniappa Gounder had 1st wife namely, Arayee and one son Irusagounder through his first wife Arayee. During the life time of Arayee, the said Palaniappa Gounder lived with one



Kolandaiyammal, due to that relationship, the plaintiff and the defendants 9 to 13 were born to Palaniappa Gounder through his 2nd wife, Kolandaiyammal.

Since the Palaniappa Gounder had 2nd wife during the life time of his first wife Arayee, it is the duty of the plaintiff to prove the 2nd marriage.

23. In order to prove the 2nd marriage, no document has been produced by the plaintiff. However, they examined witness-DW2 and it is an admitted fact that both the Palaniappa Gounder and Kolandaiyammal lived together. This Court also in previous paragraph stated that there is a presumption with respect to the marriage when they lived together for a long time and, due to efflux of time, it is not possible to produce the documentary evidences. Moreover, the Courts below have rendered concurrent findings after appreciating the evidences and documents adduced on both sides.

24. On a careful perusal of the decisions in the cases of ***K.Munuswami Gounder (supra)***; ***Visalakshi Ammal (supra)*** and ***Lachman Singh (supra)***, it is clear that Section 16(1) of the Hindu Marriage Act comes into operation only in a case in which a marriage is in fact proved to have been taken place between two persons but which may be null and void as per the provisions of the Act.

25. The presumption of lawful marriage out of love and cohabitation can



be rebutted by proof of facts. In the case on hand, defendants examined DW2 and proved that they were lived together as husband and wife. But there is no rebuttable evidence to the contrary.

26. On the other hand, by relying upon the decisions in the cases of *Challamma (supra)* and *M.Yogendra (supra)*, the learned counsel appearing for the respondents would submit that since the Palaniappa Gounder and Kolaindayammal have lived together for long period and they are to be presumed as husband and wife.

27. On a careful perusal of the said judgments, it is clear that for the purpose of arriving at a conclusion as to whether a valid marriage has been performed or not, the Court would be entitled to consider the circumstances thereof. There may be a case where witnesses to the marriage is not available. There may also be a case where documentary evidence to prove marriage is not available. It is in the aforementioned situation, the information of those persons who had the occasion to see the conduct of the parties may testify and Section 50 of the Evidence Act in that sense is an exemption to the other provisions of the Act. The presumption of valid marriage though is rebuttable, the heavy burden is to prove that no marriage has taken place. In the case on hand, the plaintiff alleged the 2nd marriage, therefore, the plaintiff has to prove the



alleged 2nd marriage and there are no records. However, the oral evidence says that they lived together for a long period. Therefore, the Courts below rendered concurrent findings after considering the evidence. The said finding of the Courts below does not warrant interference. Therefore, this Court also hold that the plaintiff and the defendants 9 to 13 are the legal heirs of Palaniappa Gounder born through his 2nd wife, Kolaindayammal.

28. At this juncture, it is relevant to refer Section 16 (1) to (3) of the Hindu Marriage Act, which reads as follows:

“16: Legitimacy of children of void and voidable marriages.--(1) *Notwithstanding that a marriage marriage is null and void under section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.*

(2): *Where a decree of nullity is granted in respect of a voidable marriage under section 12, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.*

(3): *Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 12, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child*



29. On plain reading of the said provision, it is abundantly clear that even if a marriage is void or voidable under the Act, the children of any such marriage have the status of legitimate children. Such children would be treated in law as legitimate children of the parents for all purposes, including inheritance. However, such children cannot by relying on the status claim any right in or to the property of any other person other than the parents. As per this provision, no person other than the parents can claim any right in or to the property of such children by operating on the rule laid down in Section 16 of the Hindu Marriage Act.

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In this case, the plaintiff age is 53 years on the date of filing of the suit and the marriage might have been solemnised long back. Therefore, merely because of absence of documentary evidence, it cannot be construed as no marriage was solemnised between the Palaniappa Gounder and Kolandaimmal. Therefore, the available evidence shows the long cohabitation of Palaniappa Gounder and Kolandaimmal and the defendants also not denied the children born to Palaniappa Gounder through Kolandaimmal, thereby the Court can infer the marriage between the Palaniappa Gounder and Kolandaimmal. This factual aspect has been arrived at by the Courts below concurrently and this Court need not to interfere in such aspect. As far as the legal aspect is concerned, to invoke Section 16 of Hindu Marriage Act, the marriage must be proved. In this case, the marriage has been proved.

31. Since the 2nd marriage between Palaniappa Gounder and Kolandaiyammal has been presumed to be solemnized due to their long cohabitation and lived together, the children born to them are entitled to the share of the property of Palaniappa Gounder. The Courts below have rendered findings that the plaintiff and the defendants 9 to 13 are the legal heirs of Palaniappa gounder, based on the evidence and the said finding warrants no interference. Thus, the second substantial question of law is answered.



32. In the light of the above discussion, this Court need not to interfere with the conclusion arrived at by the Courts below or otherwise there is no perversity in the judgments of the Courts below. The second appeal has no merits and deserves to be dismissed. Accordingly, the second appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

25-11-2025

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Index: Yes/No
Speaking/Non-speaking order
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Neutral Citation: Yes/No

To

1. The District Munsif Court, Mettur.
2. The Sub Court, Mettur.



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