



SA(MD)No.34 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ARUL MURUGAN

S.A.(MD)No.34 of 2025

1.Selvi

2.Kanagavalli

3.Moghanavalli ... Appellants / Appellants / Plaintiffs

Vs

1.The District Collector,
The Office of the District Collector,
Marudhupandiar Nagar,
Sivagangai Town and District.

2. The Tahsildar,
Office of the Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

3.Bhuvaneshwari ... Respondents / Respondents / Defendants

Prayer : This Second Appeal is filed under Section 100 C.P.C., against the judgment and decree dated 18.11.2024 made in A.S.No.4 of 2024 on the file of the Subordinate Court, Manamadurai, confirming the judgment and decree dated 04.08.2022 made in O.S.No.33 of 2020 on the file of



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the learned District Munsif cum Judicial Magistrate Court,
Thirupuvanam.

For Appellant : Mr.M.Thirunavukkarasu

For R1 and R2 : M/s.P.B.Ahamed Yashmin Parvin

For R3 : Mr.K.Esakki

JUDGMENT

The unsuccessful plaintiffs are before this Court. The Second Appeal is filed challenging the judgment and decree dated 18.11.2024 made in A.S.No.4 of 2024 on the file of the learned Subordinate Judge, Manamadurai, confirming the judgment and decree dated 04.08.2022 in O.S.No.33 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam.

2. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3. The plaintiff herein are the sisters of one Late.Dhakshanamoorthy. The third defendant is the wife of the deceased Dhakshanamoorthy, and it is claimed that there was a customary divorce



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granted. The plaintiffs had submitted an application before the authorities / 1 and 2 defendants seeking for issuance of Class II legal heir certificate. The same came to be rejected on 17.07.2020, on the ground that when the third defendant class I legal heir is available, the certificate cannot be issued in favour of the plaintiffs who are the class II legal heirs and they were relegated to the Civil Court seeking for appropriate relief.

4. Pursuant to which, the plaintiffs have filed a suit seeking declaration that the plaintiffs are the class II legal heirs. In fact, the third defendant had filed a written statement admitting the customary divorce and also contending that after the divorce, since she had no issues, she had married one Premkumar. The third defendant had also submitted her no objection for issuance of class II legal heirship certificate to the plaintiffs. The official defendants had filed a separate statement contending that unless there is a direction from the Court they cannot issue a certificate to class II legal heirs. Even then, since the marriage between the deceased and the third defendant was not legally divorced, the trial Court dismissed the suit. The lower appellate Court also dismissed the appeal and confirmed the decree. Assailing the same, the



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plaintiffs have preferred the above appeal.

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5. Pending the appeal, the parties have entered into a compromise and a joint compromise memo is filed by the appellants and the third respondent. The compromise memo is signed by the appellants 1 to 3 / plaintiffs 1 to 3 along with the counsel on record and the third respondent along with the counsel on record for the third respondent. The memo is also endorsed by the Government advocate appearing for the official respondents / defendants 1 and 2. As per the compromise entered into, since the property standing in the name of Dhakshanamoorthy and the jewels pledged to the Bank, are to be dealt with, the third defendant / third respondent has given no objection for issuance of class II legal heir certificate in favour of the appellants / plaintiffs.

6. Learned Government Advocate appearing for the officials respondents submitted that in view of the compromise entered into, they are inclined to issue class - II legal heir certificate to the appellants / plaintiffs. The parties who are before this Court also confirmed the compromise entered into.



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7. As such, the Second Appeal is disposed of in terms of the Joint compromise memo dated 28.07.2025. The compromise memo dated 28.07.2025, shall form part and parcel of the decree. However, there shall be no order as to costs.

04.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

1. The Subordinate Judge, Manamadurai.
2. The District Munsif cum Judicial Magistrate, Thirupuvanam.
3. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ARUL MURUGAN, J.

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