

**DECREE IN ORIGINAL SUIT**

IN THE COURT OF THE II JUNIOR CIVIL JUDGE. CITY CIVIL COURT. HYDERABAD.  
DATED THIS THE **1st day of August, 2016**

Present: Smt. G.Sunitha Ravindra Reddy, B.Sc., L.L.B.,  
III JUNIOR CIVIL JUDGE,  
FAC II JUNIOR CIVIL JUDGE,  
CITY  
COURT, HYDERABAD.

**O.S.No.727 of 2016**

**BETWEEN:-**

1. Sri Jayantilal Mody, S/o. Late Sri Mojilal Mody,  
Aged: 80 Years.
2. Gaurang Mody, S/o. Sri Jayantilal Mody,  
Aged: 48 years.  
Both R/o. Flat No.105, Sapphair Apartments,  
Chilkoti Gardens, Begumpet,  
Hyderabad – 500 016.
3. Tejal Modi, W/o. Soham Modi,  
R/o. Plot No. 280, Road No.25,  
Jubilee Hills, Hyderabad

....Plaintiffs

**And**

1. The Tahasildar,  
Shaikpet Mandal, Hyderabad District.
2. All Concerned.

...Defendants

**Claim:** Suit for declaration of Plaintiffs as Legal Heirs of Late Smt. Pallavi Mody.

**Valuation:-** Suit is valued for Rs.10,000 /- and a Court Fee of Rs.786/- is paid  
Under sec.20 of APCF and SV Act, 1956.

Cause of Action :- **Arose on 2.1.2016**  
Plaint presented on :- **18.03.2016**  
Plaint numbered on :- **21.03.2016**

This suit is coming on this day before me for final disposal in the presence of **Sri C. Bala Gopal**, advocate for the plaintiffs and defendants were called absent and set exparte, this court doth order and decree as follows:-

- 1 That the suit of plaintiff be and the same is hereby decreed.
- 2 That the plaintiffs are legal heirs of Late Smt. Pallavi Mody. In view of facts and circumstances of the case,
- 3 There is no order as to costs.

Given under my hand and the seal of the court on this **1st** day of August, 2016.

III JUNIOR CIVIL JUDGE,  
FAC II JUNIOR CIVIL JUDGE,  
CITY CIVIL COURT, HYDERABAD.


Ref CERTIFIED PHOTOCOPY

**MEMO OF COSTS  
FOR PLAINTIFF**

**FOR DEFENDANTS**


1. Stamp on plaint	Rs 786-00	-
2. Stamp on vakalat	2-00	Exparte
3. Advocate fee	PC/MC not filed.	-
4. Process fee	100-00	-
5. Misc. Fee	50-00	-
6. Publication	-	-

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Total Rs. 938-00.  
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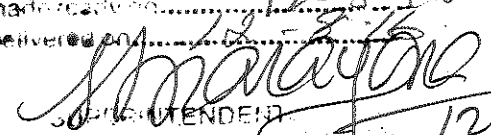
  
**III JUNIOR CIVIL JUDGE,  
FAC II JUNIOR CIVIL JUDGE,  
CITY CIVIL COURT, HYDERABAD.**

**NOTE:-** "The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years from this date".

COURT OF THE CHIEF JUDGE  
CITY CIVIL COURT HYDERABAD  
CENTRAL COPYIST ESTABLISHMENT  
C.A. No. 15449/16  
Application made on 1-8-16  
Called on 11-8-16  
Charges  
Stamps Deposited on 12-8-16  
Charges  
Charges a Sum of Rs. 70/-  
Deposited U/R 202 (A) (1) U/R No. 12496  
Advt. Stamps Called on  
Advt. Stamps Deposited on  
Copy made ready on 12-8-16  
Copy Delivered on  
SUPERINTENDENT  
Central Copyist Establishment  
City Civil Court Hyderabad

  
 Copying Superintendent  
 Central Copying Unit  
 City Civil Court Hyderabad



  
 12/8/16

IN THE COURT OF THE II JUNIOR CIVIL JUDGE : CITY CIVIL COURT :  
HYDERABAD.

MONDAY, THE 1 ST DAY OF AUGUST, 2016

PRESENT : SMT. G. SUNITHA RAVINDRA REDDY, B.Sc., LL.B.,  
III JUNIOR CIVIL JUDGE  
FAC II JUNIOR CIVIL JUDGE

O.S. No. 727 of 2016

Between :

- 1 Sri Jayantilal Mody, S/o. Late Sri. Mojilal Mody, aged about 80 yrs
  - 2 Gaurang Mody, S/o. Sri Jayantilal Mody, aged about 48 yrs
- Both are R/o. Flat No. 105, Sapphair Apartment, Chikoti Gardens, Begumpet, Hyderabad 500 016.
3. Tejal Modi, W/o. Soham Modi, R/o. Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad.

Plaintiffs

AND

- 1 The Tahasildar, Shaikpet Mandal, Hyderabad District.
- 2 All concerned

Defendants

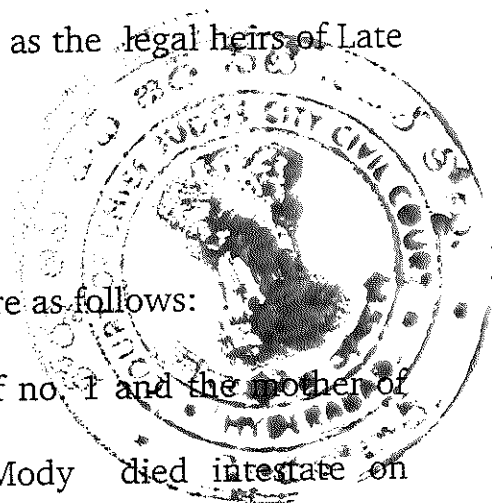
This suit coming on 29.07.2016 for final hearing before me, and upon hearing the arguments of Sri. C. Balagopal, the learned counsel for the plaintiffs, defendant nos. 1 and 2 called absent and were set exparte. The matter having stood over till this day for consideration, this Court delivered the following :

J U D G M E N T

This suit is filed for Declaration to declare the Plaintiffs as the legal heirs of Late Smt. Pallavi Mody.

2. The brief averments made in the Plaint are as follows:

It is the case of the Plaintiffs, that the wife of Plaintiff no. 1 and the mother of Plaintiff nos. 2 and 3 namely Late Smt. Pallavi Mody died intestate on



CERTIFIED PHOTOCOPY

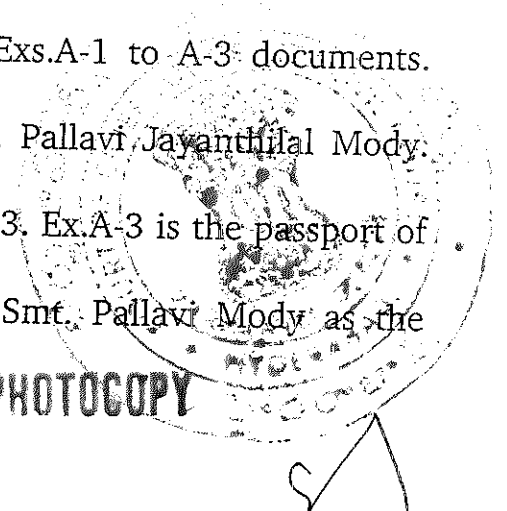
02.01.2016 at Plot No. 280, Rd.No. 25, Jubilee Hills, Hyderabad -34 leaving behind the Plaintiffs as her legal heirs.

After the death of Late Smt. Pallavi Mody, the Plaintiffs approached the Tahasildar, Shaikpet Mandal, Hyderabad and applied for issuance of Legal Heir Certificate, but the same was refused by the Defendant no. 1 office and directed the Plaintiffs to approach the concerned Civil Court for issuance of the same. Hence, this suit.

3. On receipt of summons, the defendants remained exparte.
4. During the course of Enquiry, on behalf of Plaintiffs, Plaintiff no. 2 and 3 were examined as PW1 and PW2 and Exs. A1 to A3 documents were marked.
5. Heard learned counsel for Plaintiffs.
6. Now the point for determination is whether the Plaintiffs are entitled for declaration as prayed for ?

The plaintiffs filed this suit to declare them as legal heirs of Late Smt. Pallavi Mody. In order to substantiate their case, the plaintiffs placed reliance on oral testimony of Pws 1 and PW 2 coupled with Exs.A-1 to A-3 documents. Ex.A-1 is the original death certificate of Late Smt. Pallavi Jayantilal Mody. Ex.A-2 are the Aadhar cards of plaintiff Nos. 2 and 3. Ex.A-3 is the passport of Plaintiff no. 3 showing the name of the deceased Smt. Pallavi Mody as the mother of Plaintiff no. 3.

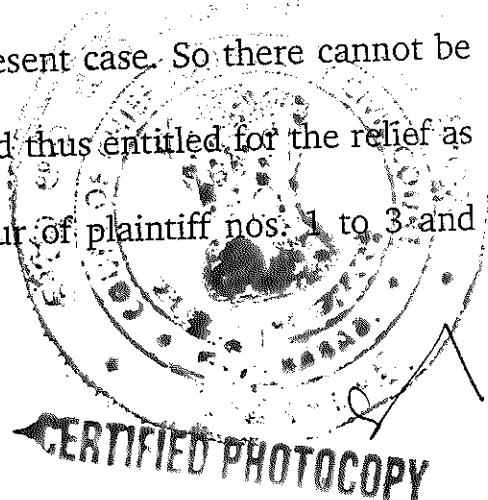
CERTIFIED PHOTOCOPY



7. Before advertng to the facts of the case, it is deemed fit to refer to the relevant provisions of Section 34 of Specific Relief Act 1963. Under Section 34 of Specific Relief Act, 1963 "Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief.

*Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.*

8. On careful perusal of entire record, the evidence of PWs. 1 and 2 coupled with Exs. A-1 to A-3 documents categorically establishes that the plaintiffs are the legal heirs of Late Smt. Pallavi Mody. In order to rebut the said version, the defendants are reluctant to contest the suit inspite of knowledge of suit proceedings. So it can be safely presumed that the plaintiffs could successfully probalilise their case. Even the decision in *Bharat Petroleum Corporation Limited, Anna Nagar, Chennai and another Vs. Srinivasa Transport, Gajuwaka, Visakhapatnam in 2008 (4) ALD 787* wherein it was held that "a suit for declaration to decide the question pertaining to the status and legal character of an individual under Section 34 of the Specific Relief Act is maintainable before a civil court" is well applicable to the facts of the present case. So there cannot be any iota of doubt to suspect th documents filed and thus entitled for the relief as prayed for. Thus, this point is answered in favour of plaintiff nos. 1 to 3 and against the defendants.



In the result, the suit of the plaintiffs is hereby decreed in favour of Plaintiffs and against the defendants declaring the plaintiffs as legal heirs of Late Smt. Pallavi Mody. In view of facts and circumstances of the case, there is no order as to costs.

Dictated to Personal Assistant directly in the laptop, corrected and pronounced by me in the open Court, on this 01 st day of August, 2016.

III JUNIOR CIVIL JUDGE  
FAC II JUNIOR CIVIL JUDGE  
CITY CIVIL COURT, HYDERABAD

APPENDIX OF EVIDENCE

WITNESSES EXAMINED FOR PLAINTIFFS :

P.W.1 : Gaurang Mody

P.W.2 : Tejal Modi

WITNESSES EXAMINED FOR DEFENDANTS :

None

DOCUMENTS MARKED FOR PLAINTIFFS :

Ex.A-1 : Original Death Certificate of Late Smt. Pallavi Mody.

Ex.A-2 : Aadhar Cards of Plaintiffs no. 2 and 3.

Ex.A-3 : Passport of Plaintiff no.3

DOCUMENTS MARKED FOR DEFENDANTS :

COURT OF THE CHIEF JUDGE  
CITY CIVIL COURT, HYDERABAD  
CENTRAL COPYIST ESTABLISHMENT  
C.A. No. 15449/16  
Application made on 1-8-16  
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Charges a Sum of Rs. 20/-  
Registered U/R 203 (A) (1) U/r No. 12496  
Stamps Called on  
Stamps Deposited on  
Copy made ready on 12-8-16  
Copy Delivered on

III JUNIOR CIVIL JUDGE  
FAC II JUNIOR CIVIL JUDGE,  
CITY CIVIL COURT, HYDERABAD.

Copying Department  
Central Copying Estd  
City Civil Court, Hyderabad

Superintendent  
Central Copyist Establishment  
City Civil Court, Hyderabad