COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Misc. Certificate Appeal Case No. 03 of 2025

(Against Legal Heir Certificate No. E-LHC/2022/154189 issued by the Tahasildar, Kishorenagar)

Bhanumati Sahu … Appellant

versus

Tahasildar, Kishorenagar and others … Respondents

Decided on 12 December 2025

Odisha Miscellaneous Certificates Rules, 2019 – Legal heir certificate – Rival claims of two widows. Where two women each claim to be the wife of the deceased, a legal heir certificate cannot be issued or corrected on an inconclusive R.I. report based on oral statements of villagers. Service records of the deceased (here the GIS passbook naming the appellant as wife and nominee) are material evidence, and a second marriage during the subsistence of the first is void under the Hindu Marriage Act, 1955. The matter needs a reasoned finding after a proper inquiry.

Result: Appeal allowed. Certificate set aside; remanded for de novo inquiry by an officer not below Additional Tahasildar within three months.

ORDER

1. This appeal has been preferred by the Appellant, Smt. Bhanumati Sahu, under Rule 9 of the Odisha Miscellaneous Certificates Rules, 2019, challenging the impugned order/Legal Heir Certificate (LHC) issued by the Tahasildar, Kishorenagar, in Misc. Certificate Case No. E-LHC/2022/154189. The Appellant prays to set aside the certificate dated 03.01.2023, which included the name of Respondent No. 3 (Pramila Sahu) as the wife of the deceased, and to direct a fresh inquiry.

2. Submission of the Appellant: The learned counsel for the Appellant submits that Smt. Bhanumati Sahu is the legally married first wife of the deceased, Pravakara Sahoo, their marriage having been solemnised in 1979. The Appellant vehemently argues that Respondent No. 3, Pramila Sahu, was merely a maid/kept mistress who entered the deceased's life much later (around 2000) while the first wife was alive. The Appellant relies heavily on the Voter ID Card and specifically the Service Book/Group Insurance Scheme (GIS) Passbook of the deceased (an employee of Janata College, Boinda), which explicitly names "Smt. Bhanumati Sahu" as the wife and nominee. The Appellant contends that the inclusion of Pramila Sahu's name in the corrected LHC on 03.01.2023 was done without proper appreciation of these public documents.

3. Submission of Respondent No. 3 (Pramila Sahu): The learned counsel for Respondent No. 3 argues that Bhanumati Sahu was actually the wife of the deceased's elder brother (Dibakara Sahu) and lived with Pravakara Sahoo only after her husband's death. Respondent No. 3 claims to be the only legally married wife, having married the deceased in 2000 according to Hindu customs. She relies on her own Voter ID, Aadhar card, and photographs of the marriage as evidence.

4. Submission of the Tahasildar (Respondent No. 1): The Tahasildar, Kishorenagar, in the parawise comments, submitted that the LHC was issued based on the inquiry report of the Revenue Inspector (RI), Boinda. The report indicated that Pravakara Sahoo left behind Bhanumati Sahu (and 4

daughters) as well as Pramila Sahu (and 2 children). The certificate was corrected on 03.01.2023 to include Pramila Sahu based on further verification.

5. Observation and Analysis: I have perused the Lower Court Record (LCR), the appeal memo, the show-cause reply, and the documentary evidence on record.

6. Material Irregularity in Enquiry: The Revenue Inspector's report states that "gentlemen of villages could not say who the first wife was." This indicates a failure to arrive at a definite finding of fact regarding the marital status. In cases of conflicting claims, a summary local inquiry based solely on oral statements is insufficient.

7. Documentary Evidence (Service Book): The Court takes judicial notice of the Group Insurance Scheme (GIS) Passbook issued by the Principal, Janata College, Boinda. Entry No. 7 clearly mentions "Smt. Bhanumati Sahu" as the "Wife" and nominee. Service records are vital pieces of evidence in determining legal heirs for government/aided employees. The Tahasildar appears to have overlooked this material document while issuing the impugned order, including Respondent No. 3.

8. Legal Position: Under the Hindu Marriage Act, 1955, a second marriage contracted while the first spouse is living is void. If Bhanumati Sahu is the first wife (as supported by the Group Insurance Scheme (GIS) Passbook entry), the status of Respondent No. 3 as a "legal heir" (wife) is a complex question of law that cannot be settled by a mere correction in the LHC without a rigorous inquiry.

9. Conclusion: The impugned order and the consequent Legal Heir Certificate issued/corrected on 03.01.2023 suffer from non-application of mind regarding the documentary evidence (Service Book) and rely on an inconclusive RI report. The status of the parties requires a specific finding based on the admissibility of the marriage under Hindu Law, which was not done.

10. As a result, the Appeal is allowed.

11. The impugned order passed by the Tahasildar, Kishorenagar, in Misc. Certificate Case No. E-LHC/2022/154189 (including the corrected certificate dated 03.01.2023) is hereby set aside.

12. The matter is remanded to the Tahasildar, Kishorenagar, for a de novo (fresh) enquiry.

13. The Tahasildar is directed to conduct a fresh field inquiry personally or through a senior officer (not below the rank of Additional Tahasildar). Specifically examine the Service Book/Service Records of the deceased from Janata College, Boinda. Afford a reasonable opportunity of hearing to both the Appellant and Respondent No. 3 to adduce further evidence regarding the validity of their respective marriages. Pass a reasoned order within a period of 3 months from the date of receipt of this order.

14. Pronounced in the open Court on this day, 12th December 2025.

Sd/-

Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers; one case citation in the original is omitted pending verification. The order applies to its own facts; check the current law before relying on it.