

Filed on : 19.04.2023
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Decided on : 27.04.2026
Duration Y:3 M:0 D:2

IN THE COURT OF THE DISTRICT MUNSIF, PANRUTI

Present: Tmt.K.Renugadevi, B.A., B.L.,
District Munsif, Panruti.

Monday, the 27th day of April, 2026

Original Suit No.86/2023

CNR No.TNCD08-000117-2023

E.Muthalu

.....Plaintiff

Versus

1. E.Murugan
2. M.Sanjai
3. M.Sasikala
4. S.Lakshmi

.....Defendants

The suit came up on 08.04.2026 for final hearing before this court, in the presence of Thiru.S.Sethuraman, Learned Counsel for the Plaintiff and Thiru.L.Kannan, Learned counsel for the Defendants 1 and 2 and the Defendants 1 and 2 were set exparte for non filing of written statement and the Defendants 3 and 4 called absent and set exparte. After hearing Plaintiffs side submission and on due consideration this Court delivers the following:

JUDGMENT

1.PRAYER:

Suit for partition and declaration

- a) *To declare that the settlement deed dated: 14.03.2022 by Ezhumalai to 2nd Defendant is invalid.*
- b) *To declare that the settlement deed dated: 24.06.2022 by 2nd Defendant to 3rd Defendant is invalid.*
- c) *To pass a preliminary decree for partition of Plaintiff 1/3rd share in the suit property.*
- d) *To appoint an advocate/commissioner in the final decree proceedings, directing him to divide the suit property into 3 equal shares and to allot one such share to Plaintiff by metes and bounds.*
- e) *To direct the Defendants to pay the costs of the suit, and*

2. GIST OF THE PLAINT:

As per the Plaintiff, the suit property was originally the ancestral property of varadharajalu @ Kannaiyan, for evidencing the same, the original Patta stands in his name is produced. The said Ezhumalai is the son of varadharajalu @ Kannaiyan, on the demise of varadharajalu @ Kannaiyan and Ezhumalai, the Plaintiff herein, 1st Defendant herein and 4th Defendant herein, each entitle to an undivided 1/3rd share in the suit property. While so 2nd Defendant herein has obtained a settlement from Ezhumalai, fraudulently on 14.03.2022 which is invalid, being undivided joint family property. In pursuance of the fraudulent settlement deed dated: 14.03.2022. The 2nd Defendant has executed a settlement deed dated: 24.06.2022 infavor of 3rd

Defendant, which also invalid. The said settlement deeds, will not bind the Plaintiff at all, in any event. Taking advantage of the settlement deed, 3rd Defendant is claiming false right over the suit property, for which she has no right at all. The Plaintiff issued a notice through his advocate to Ezhumalai and Defendant 1 to 3 on 01.02.2023, claiming 1/4th share in the suit property. The acknowledgment of the Defendant 2, 3 and Plaintiff's father Ezhumali are filed. The 1st Defendant refused to receive the notice and the refused cover is also filed. For the notice, no reply notice was issued, hence Defendant 1 to 3 are estopped to deny the share of the Plaintiff in the suit property. After the Advocate notice, Ezhumalai died on 18.02.2023, as intestate, hence, his share devolved to other legal representatives (i.e) Plaintiff 1st Defendant and 4th Defendant, hence each of them, is entitled to 1/3rd share. Even after the advocate's notice and after the demise of Ezhumalai, the Plaintiff approached Defendants 1 to 4 to divide the suit property, for while they refused. Hence the suit is filed for partition of Plaintiff's 1/3rd share in the suit property. There are no maintenance holders in respect of the suit property. There is no charity to be performed in and out of the suit property. Hence, the suit is also filed to declare that the settlement deed dated: 14.03.2022 to 2nd Defendant by Ezhumalai and the settlement deed dated: 24.06.2022 by 2nd Defendant to 3rd Defendant are invalid, hence the suit.

3. POINT FOR DETERMINATION:

<i>Whether the Plaintiff is entitled for the relief as prayed for?</i>
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4. EVIDENCE:

4.1 On the side of Plaintiff, the Plaintiff examined as PW-1 and A-1 to A-9 exhibited. The Defendants remain exparte.

4.2 The Plaintiff has deposed as PW-1, who reiterated the contention of the Plaintiff in Chief Examination. As per the Plaintiff, the Plaintiff, 1st Defendant and 4th Defendant are children of Ezhumalai. The 2nd Defendant is the son of the 1st Defendant, 3rd Defendant is the wife of 1st Defendant. The Plaintiff claims that the suit property is the ancestral property and it belongs to his grand father namely Varadharajalu. In order to substantiate, the original patta has been exhibited as **A-1**. On perusal it is found that the patta stands in the name of Varadharajalu vide patta no.858 issued by Tahsildar, Cuddalore in respect of survey No.403/3 to an extent of 0.39.

4.3 Under such circumstances, the 2nd Defendant the son of Ezhumalai fraudulently on 14.03.2022 executed settlement deed. The settlement deed dated:14.03.2022 has been exhibited as **A-2**. On perusal of the Ex.A2, the Elumalai Naidu S/o. Kannaiyan Naidu has executed a settlement deed in favour of M.Sanjay S/o. Elumalai in respect of the patta No.1928 and the property was derived through patta. Further the description of property has mentioned as Survey No.403/3 with an extent of 0.40 cents. Whereas in patta it is mentioned as 0.39. Further there is no

specific boundaries specified in the Ex.A1. But as far as Ex.A2 is executed with specific boundaries. Further, the enclosures of Ex.A2. The patta stands in the name of Elumalai Naidu and his father name as Varadharajalu @ Kannaya Naidu vide patta No.1928 dated:18.02.2019.

4.4 In pursuant to the Ex.A2, the 2nd Defendant has executed a settlement deed dated:24.06.2022 i.e., within 3 months from execution of Ex.A2 in favour of 3rd Defendant. The copy of settlement deed has been exhibited as **A-3**. Under such circumstances, the Plaintiff claims that, Plaintiff, 1st Defendant and 4th Defendant are in joint possession and patta stands in the name of Varadharajalu @ Kanniyan.

4.5 The copy of legal notice dated: 01.02.2023 issued to the Elumalai and the Defendants have been exhibited as **A-4**. The served acknowledgement card have been exhibited as **A-5** to **A-7**. The returned cover as unserved cover from Murugan has been exhibited as **A-8**. The death certificate dated:14.03.2023 of Elumalai has been exhibited as **A-9**. The age of deceased has been mentioned as '78' and he died on 18.02.2023.

4.6 Upon considering the facts, the Plaintiff has relied upon Ex.A1 patta standing in the name of Varadharajalu and contented that the suit property originally belonged to him. On perusal of records, it is seen that another patta stands in the name of Elumalai, described as son of Varadharajalu @ Kannaiyan, in respect of the

very same survey number. Further the Aadhar card of Elumalai and the recitals in the settlement deed consistently mention his father's name as Kanniyar.

4.7 No independent document is produced to establish the identity. Moreover Ex.A1 patta does not contain specific boundaries to identify the property, whereas the settlement deeds contain clear boundary description. In such circumstances, mere reliance upon patta, which is only a revenue record is not sufficient to establish title.

4.8 Even though the Defendants were set exparte, the burden lies upon the Plaintiff to prove the root of title and proper identification of the suit property by acceptable evidence. No legal heir certificate produced to establish the genealogy and devolution of title. Hence the Plaintiff failed to prove this case.

6. FINALLY,

The suit is dismissed. No cost.

Dictated to the Steno Typist, typed by him in the Computer directly, printed, corrected and pronounced by me in the Open Court this the 27th Day of April 2026.

/sd/K.Renugadevi

District Munsif,
Panruti.
27.04.2026

PLAINTIFF SIDE WITNESS:-

PW1 – Muthalu

PLAINTIFF SIDE EXHIBITS:-

Ex.A1	-	The original patta No.858 in favour of Varadharajalu @ Kannaiyan.
Ex.A2	14.03.2022	The certified registration copy of settlement deed executed by Ezhumalai in favour of 2nd Defendant.
Ex.A3	24.06.2022	The certified registration copy of settlement deed executed by 2nd Defendant in favour of 3rd Defendant.
Ex.A4	01.02.2023	The office copy of notice issued by the Plaintiff's counsel to the Defendants.
Ex.A5		The served acknowledgement card of 2nd Defendant.
Ex.A6		The served acknowledgement card of 3rd Defendant.
Ex.A7		The served acknowledgement card of Ezhumalai.
Ex.A8	-	Returned postal cover of 1st Defendant.
Ex.A9	14.03.2023	The death certificate of Elumalai.

DEFENDANTS SIDE WITNESSES AND EXHIBITS: NIL

/sd/K.Renugadevi
District Munsif,
Panruti.
27.04.2026

Draft / Fair Judgment
O.S.No.86/2023
dated: 27.04.2025.
DMC, Panruti. C.1.A