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IN THE COURT OF THE DISTRICT MUNSIF, PANRUTI

Present: Tmt.K.Renugadevi, B.A., B.L.,

District Munsif, Panruti.

Thursday, the 26th day of March, 2026

Original Suit No.56/2014

CNR No.TNCD08-000287-2014

Silambarasan

.....Plaintiff

Versus

1. Venkatesan
2. Chinnaponnu
3. Anand

.....Defendants

The suit came up on 05.03.2026 for final hearing before this court, in the presence of Thiru.S.Gunasekaran, Advocate appeared for the Plaintiff and Thiru.A.Ranganathan, Advocate appeared Defendants and counsel Defendants made an endorsement as "No instruction" from the Defendants and court notice issued to the Defendants and the Defendants called absent, no representation, hence the Defendants set exparte. After hearing Plaintiffs side submission and on due consideration this Court delivers the following:

JUDGMENT

1. PRAYER:

Suit for declaration and permanent injunction

- (a) declaring the Plaintiff's title with respect to the suit property as full and absolute owner,*
- (b) restraining the Defendants or their men or agents from interfering into the Plaintiff's peaceful possession of the suit property in any manner,*
- (c) and for award of cost.*

2. GIST OF THE PLAINT:

2.1 As per the Plaintiff, the suit property is situated at Azhagappasamuthiram village, Panruti Taluk within the jurisdiction of this court. The Old S.No. is 174/2 and new S.No. is 73/1. One Annammal first wife of Natesan @ Nataraja padayachi purchased the suit property with other other properties under a registered Sale Deed dated: 06.06.1942 from one Nataraja padayachi Son of Annamalai padayachi for a sum of Rs.200/-. From the date of the said Sale Deed the said Annammal was in exclusive possession and enjoyment of the same till her death in the year 1972. The said Annammal had two sons namely Kaliaperumal and Chandran and one daughter by name Visalakshi through her husband Natesan @ Nataraja padayachi. She predeceased her husband. She died by leaving her sons and daughters as her legal heirs. After the death of Annammal, her sons and daughters made a oral partition with respect to her deceased mother's properties and in that oral partition, the suit property was allotted to Chandira padayachi.

2.2 The said Chandira padhyachi died intestate by leaving his only wife, Dhanalakshmi and only son Venkatesen, who was minor at that time of his death.

From the date of his death, his wife Dhanalakshmi was in possession of the suit property for herself and on behalf of her minor son Venkatesan by paying kist. The patta was in the name of Dhanalakshmi and it's patta number is 232. In fact, the said thanalakshmi ammal and her only son Venkatesan mortgaged the suit property along with other properties with the Co-operative Land Development Bank on 13.02.1973. The said mortgage Deed was discharged. After the demise of Dhanalakshmi ammal, Venkatesan was in exclusive possession and enjoyment of the suit property as full owner. Whiles the said Venkatesan validly executed a settlement Deed with respect to the suit property along with other properties in favour of the Plaintiff who is the son of him on 09.10.2013. From the date of the settlement Deed, the Plaintiff is in possession of the suit property. The patta was also changed in the name of Plaintiff herein. The suit property is the 4th item in the settlement, Deed. The Plaintiff is the absolute owner of the entire suit property and he is in possession. His possession is legal and lawful.

2.3 Whiles, the Defendants herein by colluding together and threatened to trespass into a portion of the suit property on 25.02.2014. The threat commenced on 25.02.2014 and it continues even today. The deceased Natesan @ Nataraja padayachi had two sons namely Venkatesan (the 1st Defendant herein) and one Velmurugan through his 3rd wife by name Sowbakkiam ammal. The Defendants 2 and 3 are the wife and son of deceased said Velmurugan. They have created false documents and

began to deny the title of the Plaintiff herein and tried to trespass into a portion of the suit property. Hence the suit.

3. GIST OF THE WRITTEN STATEMENT :

(written statement filed by D1 and D2 and adopted by D3)

3.1 The suit for declaration and injunction is unjust, vexatious and unsustainable in law. It is false to say that the suit property and other properties were purchased by Annammal from Natesa padayachi, s/o.Annamalai padayachi under the Sale Deed dated: 6-6-1942. It is also false to say that the alleged Sale Deed dated: 6-6-1942 is true, valid and supported by consideration. The said Natesan @ Natarajan padayachi is the husband of the said Annammal and hence the said Natesan @ Nataraja padayachi had no necessity to sell his properties in favour his wife Annammal. This one thing is proved that the alleged Sale Deed dated: 6-6-1942 is not a true document.

3.2 It is utter false to say that the said Annammal was in possession of the suit property till her death. As per the Genealogy enclosed as suit A-Schedule, the said Annammal was died in 1965-year, but in the plaint para III(1) it was 1972-year. Hence, the Plaintiff is not clear that when the said Annammal was died. It is imaginary to say that after the death of Annammal, her sons and daughter were made oral partition and the suit property was allotted to Chandra padayachi. As per the averments of plaint para III(2) the said Annammal pre-deceased to her husband

Natesan @ Nataraja padayachi. If it is so, Natesan @ Nataraja padayachi was also a share-holder of the properties of his wife Annammal. Hence, the alleged oral partition in between the sons and daughter of Annammal is false and imaginary.

3.3 The said venkatesan s/o Chandra padayachi has no right to execute the settlement Deed for the suit property in favour of the Plaintiff under the settlement Deed dated: 9-10-2013. The Plaintiff never enjoyed the suit property at any point of time. The Plaintiff and his family members are created false records to swallow the suit properties. The Plaintiff has suppressed truth and comes forward with the false case. The true facts are as follows:- The 1st Defendant and his brother Velmurugan are sons of Natesan @ Natarajan through his 2nd wife Sowbakkiam. Hence it is false to say that the 1st Defendant and his brother Velmurugan are sons of Natesan @ Natarajan through his 3rd wife. The 1st Defendant's father Natesan @ Natarajan has executed a settlement Deed regarding the half of the suit property and other properties in favour of the 1st Defendant and his brother Velmurugan under the settlement Deed dated: 22-7-1974. The said settlement Deed was executed when the 1st Defendant and his brother Velmurugan were minors and hence the 1st Defendant's mother Sowbakkiam was appointed as guardian in the settlement Deed dated: 22-7-1974.

3.4 The settlement Deed dated: 22-7-1974 was validly executed, attested, accepted and acted upon. The 1 Defendant's mother has taken possession of the half of the suit property and other properties from her husband Natesan @ Natarajan as

per the terms of the settlement Deed dated: 22-7-1974. Now the 1st Defendant and his deceased brother Velmurugan's wife the 2nd Defendant are in possession of the half of the suit property. The half of the suit property is the extent of 1.21 Acre and the remaining 1.21 Acre alone is with the Plaintiff's family. Hence, the Plaintiff has no locus-standi to claim entire suit property. The total extent of the suit property is 2.42 Acre alone and not 2.49 as alleged in the plaint.

3.5 The said Natesan @ Natarajan has allotted 1.21 Acre to the Plaintiff's family and 1.21 Acre to the Defendant's family. The half of the suit property is mentioned as last item in the settlement Deed dated: 22-7-1974. The settlement Deed dated: 22-7-1974 is 30-years old document and hence its genuineness should not be disputed by the Plaintiff. The Plaintiff's family and the Defendants' family were jointly residing under the one roof till the death of Natesan @ Nataraja padayachi. Taking advantage of the same the Plaintiff's family member are created false record for the suit property, but the Plaintiff's family is entitled 1.21 Acre alone in the suit property. The Defendants and 1-st Defendant's mother Sowbakkiam were and are in possession of half of the suit property (1.21 Acre) from 1974-year onwards and hence the Defendants are also having prescribed title by adverse possession towards the 1.21 Acre in the suit property.

3.6 The 1-st Defendant and his brother Velmurugan have orally divided the afore-said 1.21 Acre in the suit property each 0.60 1/2 Acre. The V.A.O. of the suit

village has given certificate to the 1-st Defendant and the wife of deceased Velmurugan regarding the possession and enjoyment of the suit property. The 1-st Defendant and the 2-nd Defendant are obtained compensation amount for the suit property for the reason of cut the trees affected by Dhane cyclone from the Government. The Plaintiff, his father and his mother never enjoyed the full extent of the suit property. On the other hand the Defendants are enjoying 1.21 Acre in the suit property. Hence, the Plaintiff has no right to get the decree for the title and injunction regarding full extent of the suit property. It is false to say that the Defendants are attempted to trespass into the suit property, because the Defendants are in possession of 1.21 Acre in the suit property from 1974-year onwards. All other allegations in the plaint except those that are specifically admitted herein are denied as false, hence prays for dismissal of the suit.

4. ISSUES :

On perusal of Pleadings the following issues were framed on 13.06.2022

1.	<i>Whether the Plaintiff is entitled for declaration title in respect of suit property?</i>
2.	<i>Whether the Plaintiff is in lawful possession of suit property?</i>
3.	<i>Whether the Plaintiff is entitled for permanent injunction in respect of suit property?</i>
4.	To what other relief, the parties are entitled to?

5. EVIDENCE:

The Plaintiff examined as PW1 and A1 to A11 exhibited and one 3rd person namely Gnanasekaran has been examined as PW2 and through him no documents were exhibited and the Defendants remain exparte.

6. ISSUE NO: 1 to 3.

6.1 The Plaintiff and one 3rd person have deposed as PW-1 and PW-2, who reiterated the contention of the Plaintiff in Chief examination. As per the Plaintiff, the suit property was originally purchased by one Annammal under Ex.A1 Sale Deed dated: 06.06.1942 and she was in possession and enjoyment of the same till her death in the year 1972. After her demise, her legal heirs namely Kaliaperumal, Chandran and Visalakshi have orally partitioned the properties, in which the suit property was allotted to Chandran. Though no document has been filed to prove the oral partition, the subsequent revenue records and enjoyment would show that the property was dealt with by Chandran and his family.

6.2 After the demise of Chandran, his wife Dhanalakshmi and son Venkatesan succeeded to the property. Ex.A2 A-register extract and Ex.A3 Patta would show that the patta stood in the name of Dhanalakshmi under Patta No.232. Further, Ex.A4 mortgage dated: 13.02.1973 and Ex.A5 discharge receipt would show that Dhanalakshmi and Venkatesan have exercised acts of ownership over the suit property.

6.3 Thereafter, the said Venkatesan has executed Ex.A7 Settlement Deed dated: 09.10.2013 in favour of the Plaintiff. The Plaintiff has also produced Ex.A8 and Ex.A9 to show that the revenue records have been mutated in his name. Therefore, the Plaintiff claims that he is in possession and enjoyment of the suit property.

6.4 Though the Defendants have filed written statement by contending that they have right through Velmurugan, who is stated to be the son born through the third wife of Natesan @ Nataraja, no document has been filed to substantiate the same. Further, during the cross examination of PW1, the learned counsel for the Defendants reported no instructions and thereafter the Defendants were set exparte. Hence, the defence remains unproved.

6.5 In such circumstances, the oral and documentary evidence adduced on the side of the Plaintiff remains unchallenged. The chain of documents from Ex.A1 to Ex.A9 would show the continuous possession and enjoyment of the Plaintiff's vendor and thereafter the Plaintiff.

6.6 Further, the alleged interference on 25.02.2014 has not been denied by any acceptable evidence. Hence, the apprehension of interference is found to be genuine. Therefore, this Court is of the view that the Plaintiff has established his title and possession over the suit property and also proved the interference by the Defendants. Accordingly the issues 1 to 3 are answered.

7.ISSUE NO.4:

In continuation to the determination to the issues 1 to 3, this court holds, both parties shall bear their own costs.

8. FINALLY,

The suit is decreed as prayed for.

1. That the plaintiff is declared as the absolute owner of suit property.

2. The defendants, their men, agents are hereby restrained from interfering with the peaceful possession and enjoyment of the suit property by the plaintiff.

3. 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 26th Day of March 2026.

/sd/K.Renugadevi
District Munsif,
Panruti.
26.03.2026

PLAINTIFF SIDE WITNESSES:-

PW1 – Silambarasan

PW2 - Gnanasekaran

PLAINTIFF SIDE EXHIBITS:-

Ex.A1	06.06.1942	The certified copy of Sale Deed executed by Nadaraja padayachi in favour of Annammal.
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Ex.A2	03.12.2013	The certified copy of A-register stands in the name of Dhanalakshmi.
Ex.A3	20.01.2014	The certified copy of patta No.232 stands in the name of Dhanalakshmi.
Ex.A4	13.02.1973	The certified copy of mortgage Deed executed by Dhanalakshmi.
Ex.A5	07.01.2014	The original discharge receipt.
Ex.A6	23.03.2006	The original kist receipt paid in the name of Venkatesan.
Ex.A7	09.10.2013	The original settlement Deed executed by Venkatesan in favour of Plaintiff.
Ex.A8	03.03.2014	The certified copy of A-Register stands in the name of Plaintiff.
Ex.A9	03.03.2014	The certified copy of patta No.1032 stands in the name of Plaintiff.
Ex.A10	24.01.2014	The certified copy of patta No.1032 stands in the name of Plaintiff.
Ex.A11	-	The original certificate issued by the Co-operative Land Development Bank, cuddalore.

DEFENDANTS SIDE WITNESSES AND EXHIBITS: NIL

/sd/K.Renugadevi
District Munsif,
Panruti.
26.03.2026

Draft / Fair Judgment
O.S.No.56/2014
dated: 26.03.2026.
DMC, Panruti. C.1.A.