

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF , TITTAGUDI

PRESENT: SELVI. N.SHALINI, B.Com.LL.B.(Hons.)

ADDITIONAL DISTRICT MUNSIF, TITTAGUDI

PRINCIPAL DISTRICT MUNSIF, TITTAGUDI (F.A.C)

Wednesday, the 08th day of April 2026

Original Suit No.33/2023

(C.N.R. No.TNCD240000612023)

Ramasamy

::Plaintiff

-Vs-

1.Kolanji

2.Srinivasan

3.Amsavali

4.Sumathi

::Defendants

This suit is coming on 30.03.2026 for final hearing before me in the presence of Mr.G.Balachandran and Mr.K.Srinivasan, Counsel for the Plaintiff; Defendants called absent and set exparte. Upon hearing the arguments of the Plaintiff and upon perusal of all available material records and having stood over for consideration till this day, this court delivers the following;

JUDGMENT

1. The suit has been filed by the plaintiff under Order VII Rule 1 CPC for permanent injunction restraining the Defendant not to disturb the plaintiff's peaceful possession and enjoyment of the suit properties; for costs and or such other relief as this court may deem fit.

2. BRIEF AVERMENTS OF THE PLAINT:

2.1. The Plaintiff states that originally the suit properties absolutely belonged to one Chellammal and her sons -the Defendants 1 & 2. They had agreed to sell the

same for Rs.75,000/- to plaintiff and had received an amount of Rs.70,000/- from plaintiff on 12.02.1998 and further had agreed to receive the balance sale consideration of Rs.5,000/- within four months from 12.02.1998. Evidencing these transactions, both entered into a registered sale agreement on 12.02.1998 contents of which may be treated as part and parcel of this plaint.

2.2. From the date of Sale agreement, the plaintiff has been calling upon the defendants to receive balance consideration of Rs.5,000/- from him and has been asking the said Chellammal and the Defendants 1, 2 to execute the sale deed in favour of him. Thereafter the plaintiff filed a suit specific performance in O.S.No.144/2004 on the file of Additional District Munsif Court, Tittakudi against the said Chellammal and the Defendants 1, 2 and the suit was decreed on 17.12.2013.

2.3. In accordance with the judgement of the Additional District Munsif Court, Tittakudi, the plaintiff paid the balance consideration of Rs.5,000/- into court within the stipulated time. In pursuance of the decree, the plaintiff filed an execution petition E.P.No.29/2015 on the file of the District Munsif-cum-Judicial Magistrate Court, Tittakudi in which also they received the court notice and were set exparte. Hence, the District Munsif-cum-Judicial Magistrate Court, Tittakudi executed the sale deed in respect of suit property in favour of plaintiff on 16.11.2017 registered as Doc.No.5689/2017 with SRO Pennadam, contents of which may be read as part and parcel of this plaint.

2.4. From the date of sale deed, the plaintiff is in possession and enjoyment of suit property by asserting his title over the same. The said Chellammal died intestate during the year 2019 and her sons are the Defendants 1 & 2 and her daughters are the Defendants 3 & 4. The Defendants now wanted to purchase the suit properties from plaintiff for meager consideration for which plaintiff is not willing. Enraged at this, from 10-01-2023 the defendants are now trying to trespass into suit property. The plaintiff has been trying his best to thwart the defendants' illegal attempt. Hence he has no other option except to approach the Hon'ble court for a relief of declaration

and permanent injunction thereby restraining the defendants from disturbing his peaceful possession and enjoyment of suit property.

3. The Defendants 1 & 2 were called absent and set exparte on 28-04-2023, the 4th Defendant was called absent and set exparte on 09-08-2023, the 3rd Defendant was called absent and set exparte on 30-06-2025.

4. POINTS FOR DETERMINATION:

I. Whether the plaintiff is entitled to the reliefs as prayed for?

In order to establish the case of the plaintiff both oral and documentary evidence has been adduced. The plaintiff has been examined as PW1 and through him Ex.A1 to A4 were marked. Heard the oral arguments of the learned counsel for Plaintiff. A third party witness Rengasamy has been examined as PW-2 and no documents were marked through him.

5. DISCUSSION AND REASONING:

5.1. As per the plaint averments, the suit property absolutely belongs to one Chellammal and the Defendants 1, 2 who had agreed to sell the same for Rs.75,000/- to plaintiff and had received an amount of Rs.70,000/- on 12.02.1998 from plaintiff and further had agreed to receive the balance sale consideration of Rs.5,000/- within four months from 12.02.1998.

5.2. Since the said Chellammal and the Defendants 1, 2 did not come forward to execute a sale deed, the plaintiff was constrained to file a suit for specific performance in O.S.No.144/2004 before the Additional District Munsif Court, Tittakudi against the said Chellammal and the Defendants 1, 2 and the suit was decreed on 17.12.2013. The certified copy of the decree dated 17.12.2013 has been marked as Ex-A1. The certified copy of the Judgment dated 17.12.2013 has been marked as Ex-A2. In pursuance of the decree, the plaintiff paid the balance

consideration into court within the stipulated time and filed an execution petition in E.P.No.29/2015 before the District Munsif cum Judicial Magistrate, Tittagudi, Vridhachalam. The original sale deed executed by the Court in favour of plaintiff on 16.11.2017 in respect of suit properties has been marked as Ex-A3. Through Ex-A1 to A3, the plaintiff has established his absolute ownership over the suit properties.

5.3. During the chief examination of PW-1, he has deposed that from 10-01-2023 onwards, the Defendants are attempting to trespass into the suit properties and with great difficulty, he is facing the hindrance caused by the Defendant. Hence, the plaintiff has shown to the satisfaction of this court that irreparable loss would be caused to him.

5.3. It is found that Ex-A1 to Ex-A3 corroborates the claim of PW1, in absence of any evidence to the contrary. Since the defendants have failed to come forward to file their written statement and defend the case of the Plaintiff, the testimony of the PW-1 remains unrebutted. The plaintiff has proved his case by adducing oral and documentary evidence from his side.

5.4. From the above discussion, this court comes to the conclusion that the Plaintiff has established the fact that he is the absolute owners and that he is in lawful possession and enjoyment of the suit properties.

6. To what other relief is the plaintiff entitled for ?

6.1 Taking into account the facts and circumstances of the case, this court is not inclined to grant any further relief to the plaintiff. Considering the nature of the suit, this court is not inclined to award costs to the Plaintiff.

In the result, the suit is decreed as follows:

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

- That the Permanent Injunction is granted restraining the Defendants from disturbing the plaintiff's peaceful possession and enjoyment of the suit property;
- No costs.

Directly typed by me in my laptop, formatted by Steno Typist, corrected and pronounced by me in the open court, on this the 08th day of April 2026.

Principal District Munsif, (F.A.C)
Tittagudi.

LIST OF WITNESSES EXAMINED ON THE SIDE OF THE PLAINTIFF:

PW1: Ramasamy

PW2: Renganathan

LIST OF DOCUMENTS MARKED ON THE SIDE OF THE PLAINTIFF:

Ex.No	Date	Description of the Document	Nature
Ex.A1	17.12.2013	Decree in OS.136/2021 executed by Additional District Munsif Court, Tittakudi	Certified copy
Ex.A2	17.12.2013	Judgment in OS.136/2021 executed by Additional District Munsif Court, Tittakudi	Certified copy
Ex.A3	16.11.2017	Sale deed executed by the Additional District Munsif Judge, Tittakudi in favour of plaintiff	Original
Ex.A4	-	Patta No.221 in the name of the Chellammal	Web copy

LIST OF WITNESSES EXAMINED AND DOCUMENTS MARKED ON THE SIDE OF THE DEFENDANTS: NIL

Principal District Munsif, (F.A.C)
Tittagudi.

Fair Judgment
O.S.No.33/2023
Date: 08.04.2026