



IN THE COURT OF ADDITIONAL DISTRICT MUNSIF,
THIRUMANGALAM

Present: Thiru.S.Sadhu Sivasubramanian, B.A., B.L.,
Additional District Munsif, Thirumangalam

Tuesday 04th day of August 2026

OS No.147/2017
CNR No.TNMD130001272017

* * * * *

Rajasekaran

... Plaintiff

-Vs-

1. Ragavan Pitchai (died)
2. Sriram
3. Lakshmi(died)
4. Kanagavel
5. Kangalakshmi
6. Sivagami

... Defendants

(Amended as per order in I.A.No. 378/2020. dated:18.12.2024
and Amended as per order in I.A.No.01/2024, dated:12.08.2024)

The suit having been heard in the presence of Thiru.K.P.S.Ilangovelrajan the learned counsel for the Plaintiff and while 2nd Defendant has remained ex-parte by not filing of written statement and Repeated summons issued to defendants 4 to 6 could not be duly served. Thereafter, substituted service was effected through paper publication. In spite of such substituted service, defendants 4 to 6 failed to appear and contest the suit. Accordingly, they were set ex parte by this Court on 26.09.2025 and 1st and 3rd defendants was died and having perused the entire records and heard the arguments of Plaintiff side and this case having stood over for consideration till this day, before me, this court delivers the following...



JUDGMENT

The present suit has been instituted by the plaintiff seeking a decree of permanent injunction restraining the defendant, his men and agents claiming under them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

1. Brief facts of the plaint:

1.1) The suit property belongs to the plaintiff and his other family members. The suit property originally belonged to the plaintiff's grandmother, Pitchaiammal, who purchased it under a registered Sale Deed, dated:10.05.1990 for valuable consideration. Patta was also issued in her name, and she remained in exclusive possession and enjoyment of the property until her demise on 08.11.2002.

1.2) After the death of Pitchaiammal, her son Nehru, the plaintiff's father, succeeded to the property and continued in lawful possession and enjoyment. Upon his demise, the plaintiff and the other legal heirs inherited the property and have remained in continuous possession thereof. the plaintiff and the other legal heirs had earlier filed O.S.No.548/2012 before the District Munsif Court, Thirumangalam, seeking a declaration that they are the legal heirs of late Pitchaiammal. The said suit was decreed in their favour, thereby confirming their legal heirship. The decree, judgment, photographs, Encumbrance Certificate, and



kist receipts clearly establish the plaintiff's lawful title, possession, and uninterrupted enjoyment of the suit property.

1.3) The defendants, who are father and son and owners of the adjoining property, have no manner of right, title, or interest over the suit property. Out of ulterior motive, they have repeatedly attempted to interfere with the plaintiff's peaceful possession. On 24.06.2017, they, along with certain hooligans, attempted to trespass into the suit property and disturb the plaintiff's possession. Though the attempt was prevented.

1.4) Since the defendant's actions pose a continuous threat to the plaintiff lawful possession and enjoyment, the plaintiff has instituted the present suit seeking a decree of permanent injunction restraining the defendant, his men, agents, or anyone claiming through him from interfering with her peaceful possession and enjoyment of the suit property.

2) ORAL AND DOCUMENTARY EVIDENCES:-

2. On the side of the plaintiff, he was examined as the PW1 and PW2 and they deposed in support of the plaint averments and Ex.A1 to A7 and Ex.A8 have been marked through them. On the other hand, since the defendant side the 2nd Defendant has remained ex-parte by not filing of written statement. Hence the 2nd defendant ex-parte by this court on 18.12.2019 and Repeated summons issued to defendants 4 to 6 could not be duly served. Thereafter, substituted service was



effected through paper publication. In spite of such substituted service, defendants 4 to 6 failed to appear and contest the suit. Accordingly, they were set ex parte by this Court on 26.09.2025.

3) ARGUMENTS PUT FORTH:-

3. The learned Counsel for the plaintiff submitted that they have proved their case through the evidence of PW1, PW2 and Exhibit A1 to A8.

4) APPRECIATION OF EVIDENCES:

5.1) The plaintiff has instituted the present suit seeking a decree of permanent injunction restraining the defendants, their men, agents or anybody claiming through or under them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

5.2) The brief case of the plaintiff is that the suit property originally belonged to his grandmother, Pitchaiammal, who purchased the same under a registered Sale Deed, dated 10.05.1990 (Ex.A1). Patta was subsequently issued in her favour (Ex.A2), and she remained in exclusive possession and enjoyment of the property until her death. Thereafter, her son Nehru, the plaintiff's father, succeeded to the property and continued in possession. After his demise, the plaintiff and the other legal heirs inherited the property and have been in continuous possession and enjoyment thereof. The plaintiff further states that in O.S.No.548 of 2012, the competent Civil Court declared the plaintiff and others



as the legal heirs of late Pitchaiammal under Ex.A3 and Ex.A4. According to the plaintiff, the defendants, having no manner of right over the suit property, attempted to interfere with his peaceful possession on 24.06.2017, thereby necessitating the filing of the present suit.

5.3) The defendants have not chosen to contest the suit. The second defendant remained ex-parte without filing any written statement, while 4 to 6 defendants because were also set ex-parte. Consequently, the evidence adduced by the plaintiff has remained unchallenged and unrebutted.

5.4) In support of his case, the plaintiff examined himself as PW1 and examined one Chellamani as PW2. Both the witnesses have consistently deposed regarding the plaintiff's lawful possession and the attempted interference by the defendants. Their oral evidence inspires confidence and there is nothing on record to disbelieve their testimony.

5.5) The documentary evidence also fully corroborates the plaintiff's case. Ex.A1, the registered Sale Deed, establishes that the suit property was purchased by Pitchaiammal. Ex.A2, the Patta Passbook, evidences revenue recognition in her favour. Ex.A3 and Ex.A4, the certified copies of the Judgment and Decree in O.S.No.548 of 2012, establish the plaintiff's legal heirship. Ex.A5 photographs of the suit property, Ex.A6 Encumbrance Certificate and Ex.A7 Kist Receipt further substantiate the plaintiff's continuous possession and enjoyment of the suit property. Ex.A8 confirms the identity of the plaintiff.



5.6) It is a settled principle of law that in a suit for bare injunction, the primary consideration is whether the plaintiff was in lawful possession of the property on the date of institution of the suit and whether such possession was threatened by the defendants. In the present case, both the oral and documentary evidence clearly establish that the plaintiff is in settled and lawful possession of the suit property. The defendants have neither disputed the plaintiff's possession nor produced any material to establish a better right over the property. Their failure to contest the proceedings further strengthens the plaintiff's case.

5.7) The evidence of PW1 and PW2, coupled with Ex.A1 to Ex.A8, clearly proves that the plaintiff is in peaceful possession and enjoyment of the suit property and that the defendants attempted to interfere with such possession. Hence, the plaintiff has successfully established his entitlement to the equitable relief of permanent injunction. Accordingly, this Court holds that the plaintiff has proved his case by reliable oral and documentary evidence and is entitled to the relief sought.

RESULT

In the result, the suit is decreed without costs. The defendants, their men, agents or anybody claiming through or under them are hereby permanently restrained from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property.



This Judgment was directly dictated by me to the Steno-typist, who typed the same on the computer. After careful verification and necessary corrections by me, the Judgment was pronounced by me in open Court on this 04th day of August, 2026.

Additional District Munsif,
Thirumangalam.

Annexure: -

1) Plaintiff side Witness:

PW1 – Rajasekaran (Plaintiff)
PW2 - Chellamani

2) Plaintiff side documents:-

- Ex.A1 Original Sale deed, dated:10.05.1990
- Ex.A2 Original Patta Pass Book in the name of Pitchaiammal
- Ex.A3 Certified copy of Judgment of OS No.548/2012
- Ex.A4 Certified copy of Decree of OS No.548/2012
- Ex.A5 Original photo's of suit property
- Ex.A6 Downloaded copy of encumbrance certificate
- Ex.A7 Original Kist Receipt – 1 nos.,
- Ex.A8 Compared copy of PW's Adhar card



3) Defendant's Witnesses and Exhibits:- Nil

4) Court side Witnesses and Exhibits:- Nil

Additional District Munsif,
Thirumangalam.



OS.No.147/2017
Fair Judgment
Date: 04.08.2026