

TNTS080000222016



IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, SANKARANKOVIL

**Present: Tmt. M. Alima, B.A., LL.M.,
Principal District Munsif,
Sankarankovil.**

**Tuesday, the 11th day of August, 2026
O.S.No.20 of 2016**

Kalimuthu

..... Plaintiff

/Versus/

Navaneethakrishnan

..... Defendant/Counter Claimant

This suit came up for final hearing before this Court on 25.06.2026, when the learned counsel Mr.S.Rameshkumar appeared on behalf of the plaintiff and the learned counsel Mr.M.Rameshwaran appeared on behalf of the defendant, and upon perusing the plaint filed by the plaintiff, the amended plaint, the written statement with counter claim filed by the defendant, the amended counter claim, the reply to the written statement with counter claim and the additional reply to the written statement with counter claim filed by the plaintiff, the oral and documentary evidence adduced on both sides, and the oral arguments and written submissions advanced on both sides, and having considered the records of the case throughout, this Court today pronounces the following:

JUDGMENT

i) The present suit has been filed by the plaintiff under Section 26 and Order VII Rule 1 of the Code of Civil Procedure, 1908, seeking a decree of permanent injunction restraining the defendant, his heirs, representatives, servants or any other persons from in any manner interfering with the peaceful possession and enjoyment

of the suit schedule property by the plaintiff; seeking a declaration that the Sale Deed dated 12.11.2013, Document No.3480/2013, relied upon by the defendant, is a void document, and consequently seeking an appropriate order to send a copy of the decree declaring the said document as void to the Sub-Registrar Office, Karivalamvandanallur, for making a suitable entry to the effect that the said document is not valid; and also seeking the costs of the suit.

ii) The defendant has filed a written statement with counter claim under Order VIII Rules 1 and 6A of the Code of Civil Procedure, 1908, seeking a declaration that the Sale Deed dated 15.09.2009, Document No.2442/2009 of Karivalamvandanallur Sub-Registrar Office, under which it is claimed that the said Ganesan purchased the property from one Karuppayi and thereafter conveyed the same to the plaintiff, is a void document; seeking a declaration that the Sale Deed dated 03.06.2013, Document No.1574/2013 of Karivalamvandanallur Sub-Registrar Office, under which it is claimed that the plaintiff purchased the property from the said Ganesan, is also a void document; seeking an order to send a copy of the decree declaring the said documents as void to the Sub-Registrar Office, Karivalamvandanallur, and directing the said office to record and cancel Sale Deed Document Nos.2442/2009 and 1574/2013 as invalid documents; and seeking a decree of permanent injunction restraining the Counter Claim Defendant/Plaintiff, his representatives, heirs or persons acting under his authority from in any manner or at any time interfering with the peaceful possession and enjoyment of the suit schedule property by the Counter Claimant/Defendant, and also seeking costs.

1) Brief Averments in the amended plaint filed on behalf of the plaintiff:-

The suit schedule property was the property belonging to one Karuppayi through her mother and was in her possession and enjoyment. The said Karuppayi, in respect of the suit schedule property, after receiving valid consideration, conveyed the suit schedule property to one Ganesan under a registered Sale Deed dated 15.09.2009, and from the said date, the said Ganesan was in absolute possession and enjoyment of

the suit schedule property. Subsequently, the said Ganesan, for valid consideration, conveyed the suit schedule property in favour of the plaintiff under a registered Sale Deed dated 03.06.2013, and thereafter a joint patta bearing No.2700 was issued by the Government in the name of the plaintiff in respect of the suit schedule property, and the plaintiff paid kist, etc., in respect of the said patta and was in absolute possession and enjoyment of the suit schedule property. While so, when one Ganapathi, son of Kasamuthu, attempted to interfere with the peaceful possession and enjoyment of the suit schedule property by the plaintiff, the plaintiff had filed O.S.No.191/2014 before this Court against the said person. The said suit, after full-fledged trial, was decreed on 22.04.2015 granting a decree of permanent injunction restraining the said Ganapathi and his men from in any manner interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiff at any time. The said Ganapathi did not prefer any appeal against the said judgment and decree. Hence, the said judgment has become final and conclusive. In the above circumstances, the defendant, claiming to have purchased the suit schedule property on 12.11.2013 from the said Ganapathi, who was the defendant in the earlier O.S.No.191/2014, has been seriously attempting, from 09.01.2016, to interfere with the peaceful possession and enjoyment of the suit schedule property by the plaintiff. The plaintiff submits that, in the earlier O.S.No.191/2014, the plaintiff had carefully examined the Sale Deed dated 12.11.2013 relied upon by the defendant and the judgment had been rendered after considering the same, and that a decree had been passed against the said Ganapathi, from whom the defendant claims title. It is further stated that the defendant is bound by the bar arising out of the previous judgment. Even after being informed of the particulars of the earlier judgment, the defendant, without heeding the same, continues to attempt to interfere with the peaceful possession and enjoyment of the suit schedule property by the plaintiff. It is further stated that the defendant is a person of considerable influence and is capable of doing anything boldly. It is also stated that the Sale Deed dated 12.11.2013 relied upon by the defendant creates a continuing cloud over the right and title of the plaintiff in

respect of the suit schedule property. Therefore, the plaintiff has filed the present suit before this Court seeking a decree of permanent injunction restraining the defendant, his heirs, representatives, servants or any other persons from in any manner interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiff, and seeking a declaration that the Sale Deed dated 12.11.2013, Document No.3480/2013, relied upon by the defendant, is a Void document, and consequently seeking an order to send a copy of the decree declaring the said document as void to the Sub-Registrar Office, Karivalamvandanallur, for making an entry to the effect that the said document is not valid.

(The plaint was amended pursuant to the order dated 11.09.2025 passed in I.A.No.10/2025.)

2) Brief Averments in the Amended Written Statement with Counter Claim filed on behalf of the Defendant:-

It is stated that the plaint filed by the plaintiff is not maintainable either in law or on facts and that all the averments contained in the plaint in the original suit are false and that the plaintiff in the original suit has to prove the same by appropriate oral and documentary evidence. It is further stated that the four boundaries, Survey Number, extent and title of the property mentioned in the plaint schedule by the plaintiff in the original suit are all incorrect.

It is further stated that the plaintiff in the original suit is barred from filing the present suit under Order II Rule 1 CPC, since, even at the time of filing O.S.No.191/2014, the plaintiff was well aware that the Counter Claim Defendant was the owner of the suit property, but without impleading the Counter Claim Defendant as a party, without seeking any relief against the Counter Claim Defendant/Plaintiff and without obtaining any prior permission in the said suit, the present suit has been filed, and therefore the present suit is not legally maintainable and is liable to be dismissed by framing a preliminary issue.

It is further stated that the suit filed by the plaintiff is also liable to be dismissed since one Kasamuthu, who is a necessary party, has not been impleaded.

It is the specific case of the defendant that the Sale Deed dated 15.09.2009 relied upon by the plaintiff is a fraudulent document and that the said Karuppayi, who is alleged to have executed the said Sale Deed, had no right, possession or antecedent title whatsoever in respect of the suit property. It is further stated that all the relationships mentioned in the Sale Deed dated 15.09.2009 relied upon by the plaintiff are imaginary; that none of the persons referred to in the relationship stated in the Sale Deed existed; and that the persons mentioned therein have no connection whatsoever with the property described in the plaint and counter claim and are totally strangers to the suit property.

It is further stated that the said Ganesan mentioned in the Sale Deed dated 20.06.2013 relied upon by the plaintiff had no right whatsoever to convey the property having the boundaries and measurements mentioned therein and that the very assertion regarding the existence of such a Sale Deed is fraudulent. It is stated that none of the said documents is binding in any manner upon the rights of the Counter Claimant/Defendant and that neither the plaintiff nor the said Ganesan acquired any right or possession over the suit property under the said documents, nor were they ever in possession and enjoyment thereof.

It is the further case of the defendant that, as described in the plaint schedule, the northern portion measuring 1 acre 61 cents out of the property in Survey No.220 measuring 2 acres 41 cents originally belonged to one Madathi, wife of Andi Kudumban, who purchased the same in her name for ostensible purposes under a Sale Deed dated 11.02.1934 from Palaniappa Mudaliar, son of Shanmugam Mudaliar, residing at Shanmugam Mudaliar's place at Thiruvaypudaiyar Village, Madurai Town, Madurai District, for valid consideration out of the income of the joint family and held and enjoyed the same as joint family property.

It is further stated that the southern portion measuring 80 cents in the said Survey Number belonged to one Avudaiyammal and that the northern portion purchased by Madathi was enjoyed by her along with her male children, namely Palaru, Madan and Adaikkalam, who alone were her heirs.

It is further stated that the said Madathi sold the said property measuring 1 acre 61 cents, which she had acquired, to Sivasankara Pulavar, son of Muthuvinayaga Pulavar of Sankarankovil Kasba, under a Sale Deed dated 30.12.1941, and that he was in possession and enjoyment thereof.

Thereafter, it is stated that on the same date, i.e., 30.12.1941, the said Palaru, son of Andi Kudumban, who was the father of Ganapathi, from whom the Counter Claimant/Defendant purchased the property, obtained the suit property measuring 1 acre 61 cents from the said Sivasankara Pulavar by way of a reconveyance/redemption transaction and was in possession and enjoyment thereof.

Thereafter, it is stated that the said Sivasankara Pulavar, under a Sale Deed dated 30.08.1943, reconveyed the property which he had purchased from Madathi to Madathi and thereby Madathi reacquired title and continued to be in possession and enjoyment of the said 1 acre 61 cents. On the very same date, namely 30.08.1943, the said Madathi, wife of Andi Kudumban, executed a mortgage document in favour of Periya Karuppan and Chinna Karuppan, sons of Mottaiyan of Puliyangudi Chinthamani Village, and the property continued to be enjoyed under the said transaction.

Thereafter, on 07.10.1947, the said Periyakaruppan Kudumban and Chinnakaruppan Kudumban executed a mortgage deed in favour of Dharmalingam Mudaliar, son of Sivanandi Mudaliar of Sankarankovil. Thereafter, he executed a further mortgage in favour of Muthaiya Nadar, son of Senthilkumar Nadar of Sankarankovil. Thereafter, under Document No.1841 of the year 1955 registered in the Sub-Registrar Office, Karivalamvandanallur, a further mortgage was executed in

favour of R.M.S. Seeniyappa Nadar, son of Savarimuthu Nadar and he was in possession and enjoyment thereof.

Thereafter, on 02.08.1961, the said R.M.S. Seeniyappa Nadar executed a further mortgage in favour of Lakshmanan, son of Karuppan alias Kakkaiyan of Perumbathur Village, who was in possession and enjoyment thereof. Since the said Lakshmanan died unmarried and without any heirs, and since the original mortgagor Madathi had also died, it is stated that Ganapathi, son of Palaru, from whom the Counter Claimant/Defendant purchased the property, obtained a mortgage redemption receipt in the year 2010 from Balraj, son of Chinnakaruppan, who was the elder brother of Lakshmanan and was the person entitled as his heir.

It is further stated that the suit property, having originally belonged to the joint family through Madathi, was thereafter enjoyed by her heirs Palaru, Madan and Adaikkalam, and that the said heirs paid the mortgage amount to Lakshmanan during his lifetime and discharged the mortgage. Since Lakshmanan died immediately after receiving the amount, no receipt could be obtained from him.

It is further stated that, since the heirs of Madathi had discharged the mortgage amount, they orally partitioned the suit property among themselves around the year 1963, and since the father of Ganapathi, from whom the Counter Claimant/Defendant purchased the property, was the eldest, the southernmost portion of the said 1 acre 61 cents was allotted to him, the portion immediately to the north thereof was allotted to Madan, and the portion immediately to the north of Madan was allotted to Adaikkalam, and they continued to possess and enjoy their respective portions.

On the basis of the said arrangement, during the UDR survey, the share of Palaru was jointly pattaed in the names of his sons Kasamuthu and Ganapathi in respect of Survey No.220/3 under Patta No.792. Likewise, the property comprised in Survey No.220/6 was pattaed in the names of the said two sons of Palaru under Patta No.2700 and they continued to enjoy the same. Similarly, the properties comprised in Survey Nos.220/2 and 220/5 allotted to Madan were pattaed under Patta No.949 and

were enjoyed by him. Likewise, the property comprised in Survey No.220/1 was pattaed in the name of Adaikkalam under Patta No.14 and was enjoyed by him.

It is further stated that the respective parties were separately enjoying the properties comprised in the said pattas. Thereafter, Kasamuthu and Ganapathi, the sons of Palaru, orally partitioned their respective shares, whereby, in the properties comprised in Survey Nos.220/2 and 220/6, the eastern portion was allotted to Ganapathi and the property situated to the west thereof was allotted to Kasamuthu, and they continued to possess and enjoy the same.

It is further stated that Ganesan, son of Kasamuthu, had acknowledged the possession and enjoyment of his father in respect of the said property, and therefore, the subsequent claim of the said Ganesan that he purchased the property comprised in Survey No.220/6 from one Karuppayi on 15.09.2009 is fraudulent and is also barred by the principle of estoppel.

It is further stated that, while the sons of Palaru were separately possessing and enjoying their respective shares as stated above, Ganapathi, one of the heirs of Palaru, sold his share to the Counter Claimant/Defendant Navaneethakrishnan, under a Sale Deed dated 12.11.2013, for valid consideration, conveying 0.02.5 hectares in Survey No.220/3, the eastern portion of the property comprised in Survey No.220/6 with boundaries, measuring 0.08.5 hectares, and 1/7th undivided share in the well comprised in Survey No.220/4, and handed over the original title deeds relating to the property sold to the Counter Claimant/Defendant. The Counter Claimant/Defendant has thereafter been in possession and enjoyment of the property purchased by him.

Therefore, it is stated that the allegation of the plaintiff that he is in possession and enjoyment of the suit property is false.

It is further stated that, even before the filing of O.S.No.191/2014, the plaintiff was well aware of the fact that the Counter Claimant/Defendant had purchased the property, but deliberately failed to implead the Counter Claimant/Defendant in the

said suit. Since Ganapathi, from whom the Counter Claimant/Defendant purchased the property, was the paternal uncle of the plaintiff, both of them colluded together and fraudulently instituted the suit and obtained a nominal decree and thereafter filed the present suit against the defendant.

It is further stated that the judgment in O.S.No.191/2014 is not binding upon the Counter Claimant/Defendant in any manner and that the said judgment has no legal validity as against him.

It is further stated that the said Ganesan, from whom the plaintiff claims to have purchased the property, had executed the Sale Deed dated 15.09.2009, registered as Document No.2442/2009 in the office of the Sub-Registrar, Karivalamvandanallur, and that the plaintiff had thereafter obtained the Sale Deed dated 03.06.2013, registered as Document No.1574/2013 in the office of the Sub-Registrar, Karivalamvandanallur. Using the said documents, the plaintiff attempted to sell the property to third parties and create revenue records adverse to the interest of the Counter Claimant/Defendant. When the Counter Claimant/Defendant objected to the same, the plaintiff has filed the present suit with the intention of obtaining yet another fraudulent decree.

Therefore, the defendant has filed the counter claim seeking a declaration that the Sale Deed dated 15.09.2009, Document No.2442/2009 of the Karivalamvandanallur Sub-Registrar Office, under which Ganesan is alleged to have purchased the property from Karuppayi, is a void document, and seeking a declaration that the Sale Deed dated 03.06.2013, Document No.1574/2013 of the Karivalamvandanallur Sub-Registrar Office, under which the plaintiff is alleged to have purchased the property from Ganesan, is a void document, and consequently seeking an order to send a copy of the decree to the Sub-Registrar Office, Karivalamvandanallur, directing the said office to record and cancel Document Nos.2442/2009 and 1574/2013 as invalid documents, and also seeking a decree of permanent injunction restraining the plaintiff, his representatives, heirs or persons

acting under his authority from in any manner or at any time interfering with the peaceful possession and enjoyment of the suit schedule property by the Counter Claimant/Defendant.

(The written statement with counter claim was amended pursuant to the order dated 15.06.2026 passed in I.A.No.14/2026)

3) Brief Averments of the Reply to the Counter Claim filed on behalf of the Plaintiff:-

It is stated that the counter claim filed by the Counter Claimant/Defendant is not true and is not maintainable either in law or on facts. It is further stated that the defendant cannot acquire any right whatsoever on the basis of the mortgages and mortgage documents relied upon by him.

It is stated that, even in the Sale Deed obtained by the defendant from his predecessor-in-title, namely Ganapathi, it has been admitted that the suit schedule property originally belonged to Madathi under the registered Sale Deed dated 01.02.1934, and the defendant is therefore barred by the principle of estoppel by deed from taking a contrary stand.

It is further stated that the defendant was well aware of the suit filed by the plaintiff and that, at the time when the plaintiff filed O.S.No.191/2014 before the Principal District Munsif Court, Sankarankovil, the defendant had not caused any interference with the possession and enjoyment of the suit schedule property by the plaintiff. The present suit has been filed because the defendant caused interference on the cause of action mentioned in the present suit. It is further stated that the cause of action in the earlier suit and the cause of action in the present suit are different.

Therefore, the contention that the suit filed by the plaintiff is barred under Order II Rule 2 CPC is not acceptable. Consequently, it is stated that the judgment rendered in O.S.No.191/2014 is binding upon the defendant.

It is further stated that Ganapathi, son of Palaru, from whom the defendant claims to have purchased the property, is a necessary party to the counter claim and that, since he has not been impleaded, the counter claim is defective for non-joinder of a necessary party.

It is further stated that, since the defendant has denied the plaintiff's title in respect of the suit schedule property, the counter claim seeking only a decree of permanent injunction without seeking a declaration in respect of the suit schedule property is not legally maintainable.

It is further stated that the sub-divisional proceedings mentioned by the defendant in the counter claim, the property particulars mentioned in the counter claim and the patta proceedings relied upon by the defendant are all particulars fraudulently created by the defendant for the purpose of the present case. It is also stated that all the four boundaries mentioned in the said property description are incorrect.

It is further stated that the reliefs sought by the defendant for cancellation of the documents are barred by limitation and that the court fee paid by the defendant is also incorrect.

It is further stated that the defendant has no cause of action to maintain the counter claim. Therefore, it is prayed on behalf of the plaintiff that the counter claim filed by the defendant be dismissed.

4) Brief Averments of the Additional Reply to the Counter Claim filed on behalf of the Plaintiff:-

It is stated that the counter claim of the defendant is not true either in law or on facts and that the defendant is not entitled to any of the reliefs sought in the counter claim.

It is further stated that the averments contained in the amended counter claim have been artificially and falsely created and distorted for the purpose of the present suit, and that the plaintiff does not admit any of the said averments even to the slightest extent. It is further stated that the averments contained in the said pleading are not binding upon the plaintiff.

It is stated that the defendant did not purchase the property comprised in Survey No.220/6 and that, since the defendant had admitted in his evidence that he was unable to state where the property comprised in Survey No.220/6 was situated, the defendant cannot subsequently amend his counter claim contrary to the said evidence.

It is further stated that, nevertheless, the burden is upon the defendant to prove how the property comprised in Survey No.220/6 devolved upon him. It is stated that the defendant has not produced any supporting evidence before this Court to establish that the property comprised in Survey No.220/6 belonged to him and that, having carried out the amendment belatedly, the counter claim of the defendant is not maintainable.

It is further stated that, as the common well comprised in Survey No.220/4 is jointly owned by both parties, which fact was admitted by the defendant in his cross-examination, the defendant cannot legally maintain a counter claim in respect of the well against the plaintiff, who is also a co-sharer.

It is further stated that the allegation of the defendant that the persons whom he refers to as his predecessors-in-title in respect of Survey No.220/6 had orally partitioned the property and thereafter conveyed the property to the defendant's predecessor is wholly false. This is because all the legal heirs of the persons referred to by the defendant as the parties to the alleged oral partition have not been impleaded as parties, and therefore the alleged oral partition cannot legally be accepted.

It is further stated that, since the amendment relating to Survey No.220/6 was made after a lapse of about 10 years, the counter claim of the defendant is also barred by limitation.

Therefore, it is prayed on behalf of the plaintiff that the counter claim filed by the defendant be dismissed.

5) Based on the plaint filed by the plaintiff, the written statement-cum-counter-claim filed by the defendant, the reply statement and additional reply statement filed by the plaintiff, and the documents produced on either side, the following issues were framed by this Court on 16.04.2018 for determination in the suit:

1. Whether the suit schedule property is in the possession and enjoyment of the plaintiff?
2. Whether the plaintiff is entitled to the relief of declaration that the Sale Deed dated 07.12.2013, registered as Document No.3480/2013, is not a legally valid document?
3. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?
4. Whether the defendant is entitled to the relief of declaration that the Sale Deed dated 15.09.2009, registered as Document No.2442/2009 at the Karivalam-Vandhanallur Sub-Registrar Office, is an invalid document?
5. Whether the defendant is entitled to the relief of declaration that the Sale Deed dated 03.06.2013, registered as Document No.1574/2013 at the Karivalam-Vandhanallur Sub-Registrar Office, standing in the name of the plaintiff, is an invalid document?
6. Whether the defendant is entitled to the relief of permanent injunction in respect of the suit schedule property?
7. What other reliefs, if any, are the parties entitled to?

6) In the present suit, the plaintiff was examined as P.W.1 and Ganesan was examined as P.W.2 on the side of the plaintiff. Further, on the side of the plaintiff, Ex.A1 to Ex.A8 were marked through P.W.1.

7) In the present suit, the defendant was examined as D.W.1 on his side. Further, during the cross-examination of P.W.1, Ex.B1 to Ex.B5 were marked. Thereafter, the documents marked during the chief-examination of D.W.1 were required to be marked as Ex.B6 to Ex.B20. However, due to a typographical error, they were inadvertently marked as Ex.B1 to Ex.B15. The said error is hereby corrected by this Court today, and, in the documents, in the list of documents contained in the chief-examination of D.W.1 and wherever necessary, the documents marked through D.W.1 shall be read and numbered as Ex.B6 to Ex.B20.

8) The date of execution of Sale Deed Document No.3480/2013 is 12.11.2013, which is an admitted fact between the parties. However, in Issue No.2, the date of the Sale Deed was inadvertently typed as 07.12.2013 instead of 12.11.2013. Therefore, the said typographical error is hereby corrected and Issue No.2 is re-framed as follows:

Modified Issue No.2:-

2. Whether the plaintiff is entitled to the relief of declaration that the Sale Deed dated 12.11.2013, registered as Document No.3480/2013, is not a legally valid document?

9) Issue No.1:

- Whether the suit schedule property is in the possession and enjoyment of the plaintiff?

10) The learned counsel appearing for the plaintiff, in his written submissions, contended that the plaintiff had earlier instituted O.S.No.191 of 2014 before this

Court and that, in the said suit, the plaintiff had pleaded that the property described in the present suit originally belonged to Palaaru, the father of Ganapathi, through whom the present defendant claims title, and that the said contention was rejected after due trial, resulting in a decree in favour of the plaintiff. The said judgment and decree have been marked as Ex.A1 and Ex.A2. It was further contended that, by virtue of the said judgment and decree, a decree of permanent injunction was granted in favour of the plaintiff restraining the defendant therein and his men from interfering with the plaintiff's peaceful possession and enjoyment of the suit property. According to the plaintiff, since the present defendant claims to have purchased the suit property from the said Ganapathi, who was the defendant in the earlier suit, the present defendant also comes within the scope of the said decree and is bound by the judgment and decree marked as Ex.A1 and Ex.A2. It was further contended that the sale deed relied upon by the present defendant, namely Ex.B10, dated 12.11.2013, was subsequent to the sale deed Ex.A7 dated 03.06.2013 under which the plaintiff claims title, and that, under Section 47 of the Registration Act, the earlier document would prevail. It was also contended that the present defendant cannot set up a case in respect of the title of Ganapathi, through whom he claims title, without impleading Ganapathi as a necessary party to the counter claim. It was further contended that the counter claim, insofar as it seeks only a relief of permanent injunction without seeking a declaration of title, is not maintainable. It was also contended that the plaintiff is a co-sharer in the common well situated in Survey No.220/4 and, therefore, a counter claim seeking injunction against the plaintiff in respect of the common well cannot be maintained. The learned counsel further contended that the cause of action in O.S.No.191 of 2014 was different from the cause of action for the present suit and that the parties to the two proceedings were also different.

11) Per contra, the learned counsel appearing for the defendant, in his written submissions, contended that neither in the plaint nor in Ex.A6 and Ex.A7 has the

plaintiff specifically stated from whom and in what manner Karuppayi derived title to the suit property. It was contended that, under Ex.A6 and Ex.A7, neither the plaintiff nor his predecessor-in-title Ganeshan acquired any right or possession over the suit property. It was further contended that the boundaries and description of the property mentioned in Ex.A6 and Ex.A7 do not correspond with Survey No.220/6 mentioned in the plaint or with the common well situated in Survey No.220/4. According to the defendant, the revenue documents marked as Ex.B1 to Ex.B5, which were marked during the cross examination of P.W.1, establish the said discrepancy, and the same has also been admitted by P.W.2 during his cross examination. Therefore, it was contended that, as the boundaries mentioned in the plaintiff's documents are incorrect and the property cannot be properly identified with the suit property, the plaintiff is not entitled to any relief.

12) The learned counsel for the defendant further contended that the plaintiff had neither pleaded nor proved as to how the property devolved upon Karuppayi, who her siblings were, when the alleged partition took place, or what prior title documents stood in the name of Karuppayi. Hence, according to the defendant, no title had been conveyed through Ex.A6 and Ex.A7. It was further contended that Ganeshan, who conveyed the property to the plaintiff, and his father Kasamuthu were in possession of the property situated in Survey No.220/6B on the western side of the property claimed by the defendant and, therefore, the subsequent claim of Ganeshan that he had purchased the suit property from Karuppayi under the sale deed dated 15.09.2009 is hit by the principle of estoppel. The defendant further contended that the genealogy and succession pleaded in the counter claim are true and that the relationship stated therein has been admitted by the plaintiff. It was also contended that, from the judgment marked as Ex.A1 itself, it is evident that the plaintiff had knowledge of the sale deed under which the present defendant claims title even at the time of institution of O.S.No.191 of 2014. According to the defendant, despite such

knowledge, the plaintiff deliberately instituted the earlier suit only against Ganapathi, knowing fully well that Ganapathi was not the owner of the suit property as on the date of the earlier suit, and that the plaintiff, Ganapathi and Ganesan colluded with each other and obtained a nominal decree. Therefore, the said judgment would not bind the present defendant, who was not a party to the earlier suit. The learned counsel further contended that the title and possession of the property claimed through Madathi, and the continuous possession of Palaaru, Maadan and Adaikkalam, have been established through Ex.B1 to Ex.B17 and through the oral and documentary evidence adduced on behalf of the defendant.

13) On the plaintiff's side, it is pleaded that the suit property belonged to Karuppayammal through her maternal line and that Karuppayammal was in possession and enjoyment of the said property. It is further pleaded that Karuppayammal conveyed the property to Ganesan, son of Kasamuthu, under the sale deed dated 15.09.2009 marked as Ex.A6, and thereafter Ganesan conveyed the property to the plaintiff under the sale deed dated 03.06.2013 marked as Ex.A7.

14) In denial of the same, the defendant has pleaded that the suit property originally belonged to Madathi and thereafter devolved upon her son Palaaru by succession. After the death of Palaaru, the property devolved upon his heirs, namely Kasamuthu and Ganapathi, and upon their oral partition, the share allotted to Ganapathi was sold to the defendant under the sale deed dated 12.11.2013 marked as Ex.B15.

15) From a consideration of the pleadings of both parties, it is evident that both the plaintiff and the defendant claim to have derived their respective title from the

same original owner, namely Madathi, and have put forward their respective claims on the basis of the said common source of title.

16) In such circumstances, this Court has to first examine the respective chains of title set up by both parties and determine whether the plaintiff has established his lawful title, possession and enjoyment of the suit property.

17) In the present case, both the plaintiff and the defendant do not dispute that the suit property originally belonged to Madathi. Further, from a consideration of Ex.B6, the sale deed dated 11.02.1936 under which Madathi purchased the property from Palaniappa Mudaliar, Ex.B9, the reconveyance deed dated 30.08.1943 executed by Sivasankarapulavar in favour of Madathi, and Ex.B13, the mortgage money receipt dated 02.07.2010 executed by Palraj, son of Chinnakaruppan, in favour of Ganapathi, son of Palaaru, there is prima facie evidence indicating that Madathi had title over the suit property.

18) In the circumstances, the burden lies upon the plaintiff, in terms of Sections 101 and 102 of the Indian Evidence Act, to establish that Karuppayammal acquired a lawful title through Madathi and that, consequently, a valid and enforceable title devolved upon the plaintiff.

19) On perusal of Ex.A6, the sale deed dated 15.09.2009 executed by Karuppayammal in favour of Ganesan, son of Kasamuthu, who is the plaintiff's predecessor-in-title, it is recited therein as follows:

".....என்னவென்றால் எனது தாயாரைப் பெற்ற பாட்டி மாடத்தியம்மாள் அவர்களுக்கு கரிவலம்வந்தநல்லூர் சார்பதிவகம் பதிவு ஆவணம் எண்.1-103-466-467-141/1976 ன் மூலம் பாத்தியப்பட்டும்

ஆண்டனுபவித்து வந்தும் அப்பால் மேற்படி மாடத்தியம்மாள் காலம்சென்றபின் மேற்படியாரின் பெண் வாரிசுகளான உடையம்மாள், பாலடையார், பூரணம் மூவருக்கும் பாத்தியப்பட்டும் உடையம்மாள் வாரிசுகளான முத்தம்மாளுக்கு எனக்கும் பாகப்படிக்கு பாத்தியப்பட்டும் நான் அனுபவித்து வரும் இதன் தபசில் சொத்தை நான் தங்களுக்குக் கிரையம் செய்து கொடுத்து....."

20) From a consideration of Ex.A6, it is evident that it is recited therein that, after the death of Madathi, the property devolved upon her female heirs, namely Udayammal, Paladaiyar and Pooranam, and thereafter the rights of Udayammal devolved upon her heirs, namely Muthammal and Karuppayammal.

21) On the other hand, on perusal of Ex.B15, the sale deed dated 12.11.2013 executed by Ganapathi, son of Palaaru, in favour of the defendant, it is recited therein as follows:

".....என்னவென்றால் எங்களில் 1 நபரின் தகப்பனாரைப் பெற்ற பாட்டியான லேட்.திருமதி.மாடத்தி அவர்களுக்கு கரிவலம்வந்தநல்லூர் சார்பதிவகம் 1 புத்தகம் 103-466-467-141/1936 ம் நிர் கிரைய ஆவணம் மூலம் பாத்தியப்பட்டு அவர் காலஞ்சென்ற பின் அவரது வாரிசு நிலையில் எங்களில் 1 நபருக்கு தகப்பனாரும் 2 நபருக்கு தகப்பனாரை பெற்ற பாட்டனாரான லேட்.திரு.பாலாறு அவர்களுக்கு பாத்தியப்பட்டு மேற்படி பாலாறு அவர்கள் காலஞ்சென்ற பின் அவரது வாரிசு நிலையில் எங்களில் 1 நபர் பெயராலும் 1 நபரின் உடன்பிறந்த சகோதரர் கசமுத்து அவர்கள் பெயராலும் 792 ம் நிர் கூட்டுப்பட்டா ஏற்பட்டும் பின்பு மேற்படி நிர் பட்டாவில் கண்ட சொத்தை 1 நபரும் 1 நபரின் உடன்பிறந்த சகோதரர் கசமுத்து அவர்களும் வாய்மொழியாக பாகம் செய்து கொண்டதில் எங்களில் 1 நபர் பாகத்திற்கு கிடைத்து 1 நபரும் 1 நபரின் வாரிசு நிலையில் 2 நபரும் ஆக நாங்கள் சர்வ சுதந்திரபாத்தியமாய் ஆண்டனுபவித்து வரும் இதன் தபசில் கண்ட சொத்தை நாளது தேதியில் தங்களுக்கு கிரையம் பேசி....."

22) From a consideration of Ex.B15, it is evident that it is recited therein that, after the death of Madathi, the property devolved upon her son Palaaru and thereafter, upon the death of Palaaru, the property devolved upon his heirs, namely Kasamuthu and Ganapathi.

23) Therefore, although both the plaintiff and the defendant accept Madathi as the original owner, they have put forward wholly different and mutually contradictory chains of title as regards the manner in which the title to the suit property devolved thereafter.

24) In such circumstances, the plaintiff has not produced before this Court any independent and reliable evidence, such as a legal heirship certificate, birth or death records, revenue records or any other similar documentary evidence, to establish that Karuppayammal was the legal heir of Madathi.

25) Further, P.W.1, the plaintiff who deposed on behalf of the plaintiff, has stated in his cross-examination as follows:

"...நான் கிரையம் வாங்குவதற்கு முன்பு கருப்பாயி என்பவர் யாருடைய வாரிசு என்பதை காட்டுவதற்கு வாரிசு சான்றிதழ் எதுவும் பார்க்கவில்லை. கருப்பாயி என்பவரின் தாய், தந்தை, உடன்பிறந்தவர்கள் யார் என்பதை காட்டுவதற்கு எந்த ஆவணத்தையும் பார்க்கவில்லை. கணேசன் மற்றும் கருப்பாயியின் பூர்வீகம் பற்றியும் எனக்கு தெரியாது. கருப்பாயி பெயரில் பட்டா இல்லை. கணேசன் பெயரிலும் பட்டா இல்லை. கருப்பாயி மற்றும் கணேசன் தபசில் சொத்தை அனுபவித்ததை கிரைய ஆவணத்தைத் தவிர வேறு எந்த ஆவணத்தாலும் நான் உறுதி செய்யவில்லை..."

26) From a consideration of the above cross-examination of P.W.1, this Court finds that the plaintiff had not directly verified any independent document to establish that Karuppayammal was the legal heir of Madathi, that she had acquired a lawful right over the suit property, and that she had thereafter validly conveyed such right to Ganesan. It is also evident that the plaintiff has relied upon Ex.A6 sale deed as the basis for the title of his predecessor-in-title.

27) Further, P.W.1, in his cross-examination, has stated as follows:

"...தபசில் சொத்து ஆதியில் மாடத்தி என்பவரால் கிரையம் பெறப்பட்ட சொத்து என்றால் சரிதான். மாடத்தி தபசில் சொத்தை 30.12.1941 அன்று சிவசங்கரபுலவருக்கு கிரையம் கொடுத்தார் என்றால் சரிதான். பின்னர் 30.08.1943 அன்று மீண்டும் மாடத்திக்கு மறுகிரையம் செய்யப்பட்டது என்றால் சரிதான். பாலாறு மாடத்தியின் நேரடி ஆண் வழி வாரிசு என்றால் சரிதான். நான் சொல்லும் கருப்பாயி மாடத்தியின் பெண் வழி வாரிசு. ஆனால் கருப்பாயியின் வயது, திருமணம், இறப்பு, தாயார் பெயர், மாடத்தி எப்போது இறந்தார், பெண் வாரிசுகள் எப்போது பிறந்தனர் என்பதெல்லாம் எனக்கு தெரியாது..."

28) From a consideration of the above cross-examination of P.W.1, it is evident that P.W.1 has admitted that Madathi was the original owner and that Palaaru was the male-line heir of Madathi. At the same time, he has admitted that he has no personal knowledge regarding the basic family particulars, succession and the documents relating to the alleged female-line relationship of Karuppayammal with Madathi.

29) From the above, this Court finds that the chain of title claimed by the plaintiff through Karuppayammal has not been corroborated by any independent evidence on the side of the plaintiff.

30) Further, P.W.2, who deposed on behalf of the plaintiff and is the predecessor-in-title of the plaintiff, has stated in his chief-examination that Karuppayammal acquired title through Udayammal. However, in his cross-examination, he has stated as follows:

"...வழுக்குச் சொத்து ஆதியில் மாடத்திக்குப் பாத்தியப்பட்ட சொத்து என்றால் சரிதான். மாடத்தி இறந்த பிறகு அவரது வாரிசுகளான பாலாறு, மாடன், அடைக்கலம் ஆகியோர் பாகம் பிரித்து அனுபவித்து வந்தார்கள் என்றால் சரிதான். வழுக்குச் சொத்து எனது தாத்தா பாலாறுக்கு கிடைத்த சொத்து என்றால் சரிதான். எனது தந்தை கசமுத்துவும், சித்தப்பா கணபதியும் அந்தச் சொத்தை அனுபவித்து வந்தார்கள் என்றால் சரிதான்..."

31) From a consideration of the above cross-examination of P.W.2, it is evident that he has admitted that the suit property came to his family through Palaaru and that it was thereafter enjoyed through Palaaru, Kasamuthu and Ganapathi. Since the above stand is inconsistent with his chief-examination wherein he claimed that Karuppayammal acquired title through Udayammal, the evidence of P.W.2 does not inspire complete confidence in this Court.

32) Further, on a perusal of Ex.A1 and Ex.A2, namely, the Judgment and Decree passed in O.S.No.191/2014, it is seen that in the said suit, only the relief of permanent injunction was granted restraining Ganapathi and his men from interfering with the plaintiff's peaceful possession and enjoyment. It has not been established that

the absolute title to the suit property was adjudicated against the present defendant in the said suit or that the title document of the present defendant was held to be invalid therein.

33) Further, the present defendant was not a party to the said suit. Therefore, the plaintiff's absolute title in the present suit cannot be deemed to have been established merely on the basis of the said prior judgment.

34) On the other hand, the defendant has produced Ex.B1 to Ex.B20 in support of his claim of title. The said documents include the sale deed dated 11.02.1936 standing in the name of Madathi, the reconveyance deed dated 30.08.1943, patta and revenue records, copies of the 10(1) Register, the mortgage money receipt, the sale deed dated 12.11.2013 and other documents.

35) On a consideration of the above documents, it is seen that Madathi was the original owner of the suit property. Further, in Ex.B15, the sale deed dated 12.11.2013, it is recited that, after the death of Madathi, her son Palaaru succeeded to the property by inheritance and thereafter, the rights devolved upon the heirs of Palaaru, namely Kasamuthu and Ganapathi, and that Ganapathi subsequently conveyed his share to the defendant by way of sale.

36) However, in order to corroborate the aforesaid chain of title, the defendant has not produced any legal heirship certificate, partition deed or any other independent evidence to establish who the complete legal heirs of Madathi were and how the particular suit property devolved exclusively upon Palaaru.

37) Further, D.W.1, who deposed on behalf of the defendant, has stated in his cross-examination as follows:

"...மாடத்திக்கு எத்தனை ஆண் மக்கள், எத்தனை பெண் மக்கள் என்று தெரியாது. மாடத்தியின் கணவர் பெயர் தெரியாது. மாடத்தியின் வாரிசுகள் சொத்தை எவ்வாறு பிரித்துக்கொண்டார்கள் என்றும் தெரியாது. எதிர்கோரிக்கையில் கூறியுள்ள பல விபரங்கள் ஆவணங்களை வழக்கறிஞரிடம் கொடுத்ததன் அடிப்படையில் கூறப்பட்டவை..."

38) From a consideration of the above cross-examination of D.W.1, it is evident that, although the defendant also claims title through Madathi, he has no direct knowledge regarding the complete family structure, succession and devolution of title from Madathi. It is also evident that his evidence has not been fully corroborated by independent evidence.

39) Further, it has been pleaded in the defendant's chain of title that, after the death of Palaaru, his sons, namely Kasamuthu and Ganapathi, succeeded to the property and that, thereafter, they orally partitioned the property, pursuant to which the suit property fell to the share of Ganapathi.

40) However, the defendant has not adduced sufficient and reliable independent oral or documentary evidence as to when such oral partition took place, in whose presence it was effected, what specific share was allotted to Kasamuthu and what specific share was allotted to Ganapathi, and, more particularly, as to how the suit property came to be allotted exclusively to Ganapathi as his separate share.

41) Further, the fact that the names of both Kasamuthu and Ganapathi are found in Ex.B14 in respect of Survey Nos.220/3 and 220/6 may indicate that they had a right or were reflected in the relevant revenue records in respect of the said properties. However, from the mere presence of their names in the said document, this Court cannot, by itself, conclude that the suit property was exclusively allotted to Ganapathi by way of an oral partition.

42) Therefore, it has not been sufficiently established that Ganapathi had acquired an absolute and exclusive title over the suit property so as to be competent to convey the same to the defendant under the sale deed dated 12.11.2013.

43) Further, Ex.B1 to Ex.B4, Ex.B14 and Ex.B18 relied upon by the defendant, namely, the patta, 10(1) Register, tax receipts and other revenue records, can be treated only as corroborative or supporting evidence after the title to the property has been otherwise legally established. Such revenue records by themselves do not create title or establish succession. They can only lend support to a title which has otherwise been established in accordance with law.

44) Therefore, this Court cannot accept the defendant's title or lawful possession over the suit property merely on the basis of the patta and tax receipts produced by the defendant.

45) From the foregoing discussion, this Court finds that the defendant has also failed to establish, by appropriate oral and documentary evidence, the foundational succession and title chain on which his claim of title is based.

46) However, a plaintiff has to succeed on the strength of his own case and not on the weakness of the defendant's case. The plaintiff cannot be granted relief merely on the ground that there are deficiencies or weaknesses in the defendant's case. Therefore, the defect in the defendant's chain of title, by itself, cannot be treated as proof of the plaintiff's title.

47) On an overall consideration of the aforesaid documents and evidence, this Court finds that, though both the plaintiff and the defendant claim to have derived their respective titles from the same original owner, namely, Madathi, their respective chains of title as to the manner in which the title devolved after the death of Madathi are mutually contradictory.

48) In such circumstances, unless it is determined who the actual legal heirs of Madathi were, how the title to the property devolved upon them and thereafter to whose share the suit property actually fell, this Court cannot determine which of the competing chains of title put forward by the parties is legally sustainable.

49) Further, neither party has produced any legal heirship certificate, birth or death records, or any other independent and reliable evidence establishing the complete genealogy and succession of Madathi. Thus, both parties have failed to fully establish the foundational succession upon which their respective claims of title are based.

50) The plaintiff claims that Karuppayammal was a female-line heir of Madathi and that the plaintiff derived title through her. On the other hand, the defendant claims that Palaaru was a male-line heir of Madathi and that the defendant derived title through the heirs of Palaaru. Since both competing claims are founded upon the succession to Madathi, the rights of the other legal heirs of Madathi or their respective successors may also be directly affected by the adjudication of the present suit.

51) Therefore, in the absence of the other legal heirs of Madathi or their successors being impleaded as parties before this Court, accepting the title of one party and declaring the document of the other party to be invalid, or declaring one party to have exclusive title and possession over the suit property, may have the effect of affecting their rights.

52) In such circumstances, the other legal heirs of Madathi, who may have a share or interest in the property of Madathi and whose rights may be directly affected by the reliefs of declaration and permanent injunction sought in the present suit, or persons claiming through such heirs, have to be considered as necessary parties for the complete and effective adjudication of the dispute. In the absence of their impleadment as parties, declaring absolute title over the suit property in favour of one party or declaring the documents of the other party as invalid, in a manner which may affect their rights, may give rise to legal complications.

53) Further, the plaintiff has failed to legally establish the chain of title of his predecessor-in-interest, Karuppayammal, and the defendant has also failed to establish the complete chain of title of his predecessor-in-interest. However, the defect in the defendant's case, by itself, cannot constitute a ground for accepting the

plaintiff's case. The plaintiff cannot be relieved of his burden to independently establish his own title in accordance with law.

54) Further, in the present suit, the plaintiff has relied upon Ex.A4 - Patta, Ex.A5 - Land Tax Receipt and Ex.A7 - Sale Deed to establish his title and possession. However, it is a settled principle of law that revenue records such as patta, chitta, adangal and land tax receipts do not, by themselves, create title. They can only be treated as corroborative or supporting evidence of a title otherwise legally established. Therefore, the plaintiff's title or lawful possession cannot be accepted merely on the basis of the patta and land tax receipts produced by him.

55) In the present suit, though both the plaintiff and the defendant claim to have derived their respective titles from Madathi, neither of them has established, by reliable and independent evidence, the complete succession to Madathi, the devolution of title to the property and the consequential chain of title.

56) Further, while the plaintiff relies upon a female-line succession through Ex.A6 and the defendant relies upon a male-line succession through Ex.B15, the other legal heirs of Madathi or their successors have not been impleaded as parties to the present suit. In such circumstances, a declaration accepting the title of one party and rejecting the title of the other, in a manner affecting the rights of such non-parties, cannot constitute a complete and effective adjudication of the dispute.

57) Therefore, from the foregoing discussion, this Court finds that the plaintiff has failed to establish, by proper oral and documentary evidence, the chain of title of his predecessor-in-interest and also failed to establish that the suit property was in his

lawful possession and enjoyment. Accordingly, **Issue No.1** is decided against the plaintiff.

58) Modified Issue No.2 :-

- Whether the plaintiff is entitled to the relief of declaration that the Sale Deed dated 12.11.2013, registered as Document No.3480/2013, is not a legally valid document?

59) The plaintiff has sought the relief of declaration that the Sale Deed dated 12.11.2013, registered as Document No.3480/2013, executed by Ganapathi, son of Palaru, in favour of the defendant, is a void document and has also sought consequential relief directing the Sub-Registrar to make necessary entries in the records on the basis of such declaration.

60) In order to seek a declaration that a registered Sale Deed is void, the plaintiff is required to establish, in accordance with law, that the person who executed the said document had no right or title over the property conveyed thereunder and, at the same time, that the plaintiff has a better and superior title to the property.

61) From the discussion and findings rendered in respect of Issue No.1, this Court has already held that, though both the plaintiff and the defendant claim their respective titles through the same original owner, namely, Madathi, the complete succession to Madathi and the subsequent devolution of title have not been legally established by either the plaintiff or the defendant.

62) Further, this Court has already found that the plaintiff has failed to establish that his predecessor-in-interest, namely, Karuppayammal, acquired a valid title to the

suit property through Madathi and, consequently, that a valid title was thereafter conveyed to the plaintiff through the subsequent transactions.

63) Further, in the absence of the other legal heirs of Madathi or their successors being impleaded as parties to the present suit, declaring the Sale Deed dated 12.11.2013, registered as Document No.3480/2013, standing in the name of the defendant alone as void, may have the effect of affecting the rights of persons who are not parties to the present proceedings.

64) Therefore, in view of the foregoing discussion, this Court finds that the plaintiff has failed to establish the necessary legal basis for declaring the Sale Deed dated 12.11.2013, registered as Document No.3480/2013, as a void document. Consequently, the plaintiff is not entitled to the relief of declaration as sought for. Accordingly, **Modified Issue No.2** is decided against the plaintiff.

65) Issue No.3 :-

- Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?

66) In order to grant the relief of permanent injunction, the plaintiff is required to establish that, as on the date of institution of the suit, he had a lawful right over the suit property and was in lawful and peaceful possession and enjoyment thereof.

67) In the present suit, the plaintiff has relied upon Ex.A3 and Ex.A4 - Patta, Ex.A5 -Land Tax Receipt and Ex.A7 - Sale Deed to establish his title and possession over the suit property.

68) However, from the discussion and findings rendered in respect of Issue No.1, this Court has already found that the plaintiff has failed to establish that his predecessor-in-interest, Karuppayammal, acquired a valid title to the suit property and that, through her, a valid title was subsequently conveyed to the plaintiff.

69) Further, Ex.A5 - Land Tax Receipt relied upon by the plaintiff is dated 01.06.2019. Since the present suit was instituted in the year 2016, the said revenue document, having come into existence subsequent to the institution of the suit, cannot, by itself, be treated as sufficient evidence to establish that the plaintiff was in actual and lawful possession and enjoyment of the suit property as on the date of institution of the suit.

70) Further, Ex.A4 - Patta and Ex.A5 - Land Tax Receipt are revenue records and such revenue records do not, by themselves, create title over the property. They can only be treated as corroborative evidence in support of a title otherwise legally established. Therefore, when the plaintiff's source of title itself has not been established, permanent injunction cannot be granted merely on the basis of such revenue records.

71) Further, in order to obtain the relief of permanent injunction, the plaintiff is required to establish not only his lawful right over the property but also his actual and peaceful possession and enjoyment of the suit property as on the date of institution of the suit. In the present case, Ex.A4 - Patta and Ex.A5 - Land Tax Receipt relied upon by the plaintiff are, by themselves, insufficient to clearly establish his actual possession as on the date of institution of the suit. Ex.A6 and Ex.A7 - Sale Deeds are documents relied upon as forming part of the plaintiff's chain of title. When the underlying chain of title itself has not been legally established, the plaintiff's lawful

possession and enjoyment also cannot be accepted merely on the basis of the said documents.

72) Further, the defendant has also produced a Sale Deed, patta and earlier title documents in support of his claim of right over the suit property. This clearly establishes that there exists a genuine and serious dispute between the parties regarding the title to the suit property.

73) Therefore, from the foregoing discussion, in a situation where there is a dispute regarding title and the plaintiff has failed to establish his lawful title, there is no sufficient legal basis to grant the relief of permanent injunction merely on the basis of alleged possession or revenue records. Accordingly, this Court finds that the plaintiff is not entitled to the relief of permanent injunction as prayed for. Hence, **Issue No.3** is decided against the plaintiff.

74) Issues No.4 and 5 :-

- Whether the defendant is entitled to the relief of declaration that the Sale Deed dated 15.09.2009, registered as Document No.2442/2009 at the Karivalam-Vandhanallur Sub-Registrar Office, is an invalid document?
- Whether the defendant is entitled to the relief of declaration that the Sale Deed dated 03.06.2013, registered as Document No.1574/2013 at the Karivalam-Vandhanallur Sub-Registrar Office, standing in the name of the plaintiff, is an invalid document?

75) In the present suit, the defendant, by way of counter claim, has sought a declaration that the Sale Deed dated 15.09.2009 executed by Karuppayammal in favour of Ganesan and the subsequent Sale Deed dated 03.06.2013 executed by Ganesan in favour of the plaintiff are not legally valid and has also sought

consequential relief directing the Sub-Registrar to make appropriate entries in respect of the said documents.

76) In order to seek a declaration that a registered Sale Deed is invalid, the defendant/counter claimant is required to establish that the person who executed the said document had no right or title over the property conveyed thereunder and, at the same time, that the counter claimant has a better and legally established title capable of defeating the said document.

77) From the discussion and findings rendered in respect of Issue No.1, this Court has already found that, though the defendant also claims his title through Madathi, he has failed to fully establish how the succession devolved after the death of Madathi and how Ganapathi acquired an exclusive and independent right over the suit property so as to convey the same to the defendant.

78) Further, D.W.1, who adduced evidence on behalf of the defendant, has admitted in his cross-examination that he does not have direct knowledge regarding several material particulars relating to the family structure of Madathi, her legal heirs, the manner in which the property was divided among the heirs and the devolution of succession, and that certain particulars stated in the counter claim were stated on the basis of the documents furnished to the counsel.

79) Likewise, in the absence of the other legal heirs of Madathi or their successors being impleaded as parties to the present proceedings, declaring that Karuppayammal had absolutely no right over the suit property and, on that basis, declaring the Sale Deeds dated 15.09.2009 and 03.06.2013 as invalid, may have the effect of affecting the rights of persons who are not parties to the present suit.

80) Further, when the counter claimant has not fully established his own chain of title in accordance with law, there is no sufficient legal basis for the Court to declare the documents of the plaintiff alone as invalid. The counter claimant cannot succeed in the counter claim merely by attacking the documents relied upon by the plaintiff without independently establishing his own title by reliable evidence.

81) Therefore, from the foregoing discussion, this Court finds that the defendant/counter claimant is not entitled to the relief of declaration sought for, declaring the Sale Deed dated 15.09.2009, registered as Document No.2442/2009, and the Sale Deed dated 03.06.2013, registered as Document No.1574/2013, as invalid documents. Accordingly, **Issues No.4 and 5** are decided against the defendant/counter claimant.

82) Issue No.6 :-

- Whether the defendant is entitled to the relief of permanent injunction in respect of the suit schedule property?

83) In order to obtain the relief of permanent injunction in respect of the suit property, the defendant is required to establish not only his chain of title but also his lawful and peaceful possession and enjoyment of the suit property as on the date of institution of the suit.

84) From the discussion and findings rendered in respect of Issue No.1, this Court has already found that the defendant's chain of title has not been fully established in accordance with law and that the complete succession to Madathi has also not been established before this Court.

85) The revenue records relied upon by the defendant, namely, Ex.B1 to Ex.B4, Ex.B14 and Ex.B18, including patta, 10(1) register extracts and land tax receipts, can only be treated as corroborative or supporting evidence of a title otherwise legally established. Such revenue records do not, by themselves, create title to the property or establish succession. They can only be considered as supporting evidence of an already established legal right.

86) Further, the aforesaid revenue records are not, by themselves, sufficient to establish the defendant's exclusive title or his actual possession as on the date of institution of the suit. When the fact that Ganapathi acquired an exclusive and absolute title over the suit property and that such title was validly conveyed by him to the defendant has not been fully established, the lawful and exclusive possession of the defendant also cannot be accepted by this Court.

87) Therefore, this Court cannot accept the defendant's title or lawful possession over the suit property merely on the basis of the patta and land tax receipts produced by him. When the very foundational title claimed by the defendant in the counter claim is not satisfactorily established, the relief of permanent injunction cannot be granted solely on the basis of such revenue records.

88) Furthermore, in the absence of the other legal heirs of Madathi or their successors being impleaded as parties to the present suit, granting a permanent injunction declaring or recognising the defendant's exclusive right and possession over the suit property may have the effect of affecting the rights of persons who are not parties to the proceedings.

89) Therefore, from the foregoing discussion, this Court finds that the defendant has also failed to establish his lawful title and the exclusive possession and enjoyment claimed by him over the suit property. Consequently, the defendant is not entitled to the relief of permanent injunction sought for in the counter claim. Accordingly, **Issue No.6** is decided against the defendant.

90) Issue No.7 :-

- What other reliefs, if any, are the parties entitled to?

91) Having regard to the pleadings of the parties and the findings recorded on and the conclusions arrived at in respect of Issue Nos.1 to 6, this Court finds that neither the plaintiff nor the defendant is entitled to any other relief. Further, considering the nature of the suit, the nature of the dispute between the parties and the circumstances of the case, this Court is of the view that it would be just and proper that each party shall bear its own costs. Accordingly, **Issue No.7** is answered accordingly.

92) Finally,

In the present suit, this Court hereby pronounces the following judgment:

1. The suit filed by the plaintiff is dismissed.
2. The counter claim filed by the defendant is also dismissed.
3. Both parties shall bear their respective costs.

This Judgment was dictated by me to the Stenographer, directly typed by him in the computer, corrected by me, and pronounced in open Court on this the 11th day of August, 2026.

Principal District Munsif,
Sankarankovil.

I) Witnesses examined on the side of the Plaintiff:-

- 1) P.W.1 – Thiru. Kalimuthu (Plaintiff)
- 2) P.W.2 – Thiru. Ganesan (Predecessor-in-interest of the Plaintiff)

II) Documents marked on the side of the Plaintiff:-

Document No.	Date	Description of Document
Ex.A1	22.04.2015	Certified copy of the Judgment passed in O.S.No.191/2014 on the file of the Principal District Munsif Court, Sankarankovil, instituted by the plaintiff herein against Ganapathi, son of Palaru
Ex.A2	22.04.2015	Certified copy of the Decree passed in the aforesaid O.S.No.191/2014
Ex.A3	--	Computer-generated copy of Joint Patta No.1930 relating to Survey No.220/4
Ex.A4	--	Computer-generated copy of Patta No.5388 relating to Survey No.220/6B standing in the name of the plaintiff
Ex.A5	01.06.2019	Original Land Tax Receipt standing in the name of the plaintiff
Ex.A6	15.09.2009	Certified computer-generated copy of the Sale Deed executed by Karuppayammal in favour of Ganesan, son of Kasamuthu
Ex.A7	03.06.2013	Certified computer-generated copy of the Sale Deed executed by Ganesan, son of Kasamuthu, in favour of the plaintiff
Ex.A8	12.11.2013	Certified computer-generated copy of the Sale Deed executed by Ganapathi, son of Palaru, in favour of the defendant

III) Witnesses examined on the side of the Defendant:-

- 1) D.W.1 – Thiru. Navaneethakrishnan (Defendant)

IV) Documents marked on the side of the Defendant:-

Document No.	Date	Description of Document
Ex.B1	--	Computer-generated copy of 10(1) Register relating to Joint Patta No.5620 for Survey No.220/5
Ex.B2	--	Computer-generated copy of 10(1) Register relating to Joint Patta No.2700 for Survey No.220/6A
Ex.B3	--	Computer-generated copy of 10(1) Register relating to Joint Patta No.1930 for Survey No.220/4
Ex.B4	--	Computer-generated copy of the Field Map relating to Survey No.220/6B of Perumpathur Village
Ex.B5	--	Computer-generated copy of the Field Map relating to Survey No.220/6A of Perumpathur Village
Ex.B6	11.02.1936	Original Sale Deed executed by Madathi in favour of Palaniappa Mudaliar
Ex.B7	30.12.1941	Original Sale Deed executed by Madathi in favour of Sivashankara Pulavar
Ex.B8	30.12.1941	Certified computer-generated copy of the usufructuary mortgage deed executed by Palaru in favour of Sivashankara Pulavar
Ex.B9	30.08.1943	Certified computer-generated copy of the re-conveyance deed executed by Sivashankara Pulavar in favour of Madathi
Ex.B10	30.08.1943	Original usufructuary mortgage deed executed by Madathi in favour of Periyakaruppan and his family
Ex.B11	27.12.1955	Copy obtained from the Sub-Registrar's Office of the usufructuary mortgage deed executed by Muthaiya Nadar in favour of R.M.S. Seeniyappa Nadar
Ex.B12	02.08.1961	Certified computer-generated copy of the mortgage assignment deed executed by R.M.S. Seeniyappa Nadar in favour of Lakshmanan, son of Karuppan @ Kakkaiyan

Document No.	Date	Description of Document
Ex.B13	02.07.2010	Original receipt acknowledging payment of mortgage money executed by Palraj, son of Chinnakaruppan, in favour of Ganapathi, son of Palaru
Ex.B14	--	Original Patta No.792 standing in the names of Kasamuthu and Ganapathi, sons of Palaru, relating to Survey Nos.220/3 and 220/6
Ex.B15	12.11.2013	Original Sale Deed executed by Ganapathi, son of Palaru, in favour of the defendant
Ex.B16	07.10.1947	Certified computer-generated copy of the usufructuary mortgage assignment deed executed by Periyakaruppan and his family in favour of Dharmalinga Mudaliar
Ex.B17	05.05.1949	Original usufructuary mortgage assignment deed executed by Dharmalinga Mudaliar in favour of Muthaiya Nadar
Ex.B18	03.03.1996	Original Land Revenue Receipt standing in the name of Ganapathi, son of Palaru
Ex.B19	27.11.1929	Original Sale Deed standing in the name of Andi
Ex.B20	--	Computer-generated copy of 10(1) Register relating to Patta No.2700 for Survey No.220/6A standing in the name of Kasamuthu, son of Palaru

Principal District Munsif,
Sankarankovil.

PDM Court, Sankarankovil
O.S. No.20 of 2016
Draft/Fair Judgment
Dated: 11.08.2026.