

IN THE COURT OF THE SUBORDINATE JUDGE,

AT MADURANTAKAM.

Present: Thiru.N.S.Srivathsan,M.L.,

Subordinate Judge,

Friday, the 4th day of January 2019

O.S.No.137/2017

1.S.Mala,

2.Nandhini

3.Prasanth

....Plaintiffs

/Vs/

1.Sundaramoorthy,

2.Athikesavan @ babu

...Defendants

This suit coming before this court for final disposal on 30.12.2018 in the presence of Thiru.V.Agoram Counsel for Plaintiffs, Defendants being set exparte, having heard the arguments submitted on behalf of Plaintiffs' side and having perused the case records and having stood over the same till date this court delivers the following

JUDGMENT

The Plaintiffs have filed the above suit against the Defendants praying for Permanent injunction by restraining the 1st defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the shcedule mentioned property alternative preliminary decree for partition of the suit mentioned properties

into **2 equal shares** by appointing an Advocate Commissioner and direct the commissioner to divide the suit properties into two equal shares by metes and bounds and allot one share to plaintiff by considering the good and bad soil by converting the joint possession into separate possession and Permanent injunction by restraining the 2nd defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned property and for costs.

1.The brief facts of the plaint are as follows:

The plaintiffs are in absolute possession and enjoyment of the schedule mentioned properties. Originally the properties were owned and possessed by the 1st plaintiff's husband K.Sridhar. The said K.Sridhar died on 27.10.2008 leaving behind the plaintiffs as his legal heirs at law. The suit property was absolutely belonged to Sridhar. He got the same in an oral family arrangement before 20 years. The properties were in oral mortgage by the family of Sridhar. It was redeemed by the 1st plaintiff by utilizing the sale of jewels of her. Every family member is know about the same. The 1st Defendant is also fully aware of the same. Hence the plaintiffs alone enjoying the schedule mentioned properties. The plaintiffs have been paying kist to the said properties. The available kist receipt is herewith filed. The plaintiffs raised seedlings in the said properties. The 1st Defendant has no right over the schedule mentioned properties. The names of the 1st Defendant, Murugadoss and Kanniammal wrongly contained in the computer patta and they have no way connected with the schedule mentioned properties. Their name mistakenly added in the patta. They have not entitled the properties.

The said Murugadoss and Kanniammal have nor claimed any right over the properties. The said Murugadoss and Kanniammal have not disturbed the possession and enjoyment of the plaintiffs over the said properties. Hence they are not added as party. The Defendant alone is attempted to interfere with the peaceful possession and enjoyment of the plaintiffs over the schedule mentioned property. The 1st Defendant is no way connected with the schedule mentioned properties. Without any right over the schedule mentioned properties 1st Defendant had created document infavour of the 2nd defendant. The 1st Defendant has no right to execute the document infavour of the 2nd defendant. He has no right to induct any 3rd person by depriving the right of the possession of the plaintiffs. If at all any document created is also void and not bind upon the plaintiffs. The 2nd defendant is attempting to interfere with the peaceful possession and enjoyment of the schedule mentioned properties. He is no way connected with the suit property. Without any right the Defendants have attempted to interfere with the peaceful possession and enjoyment of the plaintiffs over the schedule mentioned properties on 01.01.2017. The same was successfully prevented by the plaintiff. The Defendants have no right over the same. Again the Defendants have attempted to interfere with the peaceful possession and enjoyment of the plaintiffs over the schedule mentioned properties on 01.11.2017 The same was also successfully prevented by the plaintiffs. The Defendants are powerful with men and money. At any time the Defendants may renew his attempt. Hence the suit is filed for permanent injunction. This court comes to the conclusion that the 1st Defendant is also entitled share of the suit

properties by way of incorrect patta for abandon caution, the plaintiffs have also filed the suit for partition alternatively. Hence the suit is filed for permanent injunction alternatively the suit for partition of the plaintiff's half share of the suit properties.

The Defendants were set exparte in the present suit.

2. The point for consideration whether the Plaintiffs are entitled for preliminary decree in the above suit?

The 1st Plaintiff namely Tmt.Mala was examined as PW1 and One Kumar was examined as PW2. exhibits A1 to A5 were marked on the side of the Plaintiffs. Exhibit A1 is the Computer Patta in the name of the 1st Defendant and 6 others. Exhibit A2 is the computer patta in favour of the 1st plaintiff's husband K.Sridhar. Exhibit A3 is the kist receipt. Exhibit A4 is the certified copy of Death Certificate of K.Sridhar. Exhibit A5 is the certified copy of Legal Heir Certificate of K.Sridhar. By going through Ex.A1 & A2 the suit properties and other properties were originally joint family properties belonging to the 1st Plaintiff's husband namely Sridhar the defendants herein and other family members. Now the Plaintiffs on the death of the said Sridhar have made claim 14 items of suit mentioned properties out of total 24 items of property. Ex.A3 reveals that the 1st plaintiff who is the wife of the deceased Sridhar is paying kist for the suit mentioned properties. As per Ex.A4 the 1st plaintiff's husband Sridhar on 27.10.2008 and the plaintiffs are the legal heirs of the deceased Sridhar as per Ex.A5. The Defendants were set exparte and they did not come forward to contest

the claim of the plaintiffs. Therefore, this court comes to the conclusion that the plaintiffs are in possession and enjoyment of the suit mentioned properties and they are entitled to the relief of permanent injunction as prayed for by them. The Plaintiffs have also prayed for alternative relief of Preliminary decree for partition but since the relief of permanent injunction is granted, there is no need to pass Preliminary decree for partition.

In the result, the suit is decreed as prayed for with cost. Permanent injunction is granted against the defendants by restraining the defendants their men, agents, servants, legal representatives and heirs from in any way to interfering with the peaceful possession and enjoyment of the schedule mentioned properties. The claim of the plaintiffs for Preliminary Decree for Partition of the suit mentioned properties is dismissed as unnecessary in view of the relief of permanent injunction granted by this court.

Dictated to Steno-Typist, transcribed and typed by her and corrected and pronounced by me in open court this **the 4th day of January 2019**

(Sd/-N.S.Srivathsan)

Subordinate Judge,

Madurantakam.

List of the witnesses examined on the side of Plaintiffs

PW1.Tmt.Mala (26.06.2018)

PW2.Thiru.Kumar (10.12.2018)

List of the Exhibits marked on the side of Plaintiffs

Exhibit A1. -- Computerized Patta bearing No.467 (20.10.2017)

Exhibit A2. -- Computerized Patta bearing No.42 (20.10.2017)

Exhibit A3. -- Certified copy of Kist Receipt

Exhibit A4. --Certified copy of Death Certificate of Sridhar (25.11.2008)

Exhibit A5. -- Certified copy of Legal Heir Certificate (01.04.2009)

List of witnesses and exhibits marked on the side of Defendants

-Nil-

(Sd/-N.S.Srivathsan)

Subordinate Judge,

Madurantakam.

O.S.No.137/2017

04.01.2019

EXPARTE-Decree

1. That the suit be and the same is hereby decreed with cost.

2. Permanent injunction is granted against the defendants by restraining the defendants their men, agents, servants, legal representatives and heirs from in any way to interfering with the peaceful possession and enjoyment of the schedule mentioned properties.

3. That the claim of the plaintiffs for Preliminary Decree for Partition of the suit mentioned properties is dismissed as unnecessary in view of the relief of permanent injunction granted by this court.

4. That the Defendants be and is hereby directed to pay a sum of Rs.565/- towards the cost of this suit.

Subordinate Judge,

Madurantakam.

Fair/Draft

Judgment

O.S.No.80/2014

Date:12.06.2017

Sub Court,

Madurantakam

**IN THE COURT OF THE SUBORDINATE JUDGE,
AT MADURANTAKAM.**

Present: Thiru.N.S.Srivathsan,M.L.,

Subordinate Judge,

Friday, the 4th day of January 2019

O.S.No.137/2017

1.S.Mala, aged 49 yeras, W/o.Late Sridhar,

2.Nandhini, aged 25 years, S/o.Late Sridhar

3.Prasanth , aged 23 years, S/o.Late Sridhar Hindu, residing at Kanathur Village,
Koovathgur Post, Cheyyur Taluk, Kancheepuram District.

....Plaintiffs

/Vs/

1.Sundaramoorthy, aged about 50 years, S/o.kandasamy,

2.Athikesavan @ babu, aged about 32 years, S/o.Duraikannu, Hindus, Both are
residing at Kanathur Village, Koovathgur Post, Cheyyur Taluk, Kancheepuram
District.

...Defendants

The Plaintiffs have filed the above suit against the Defendants praying for Permanent injunction by restraining the 1st defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned property alternative preliminary decree for partition of the suit mentioned properties into **2 equal shares** by appointing an Advocate Commissioner and direct the commissioner to divide the suit properties into two equal shares by metes and bounds and allot one share to plaintiff by considering the good and bad soil by converting the joint

possession into separate possession and Permanent injunction by restraining the 2nd defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned property and for costs.

This plaint was first presented on: 21.11.2017

The Plaintiff values the relief of suit for Permanent injunction at Rs.1000/- and pays a court fee of Rs.30/- paid under Section 27(c) of TNCF Act.

The cause of action for the suit arose on 01.11.2017, 11.11.2017 at Kanathur Village, Kodur Firka, Cheyyur Taluk, Kancheepuram District.

This suit coming before this court for final disposal on 30.12.2018 in the presence of Thiru.V.Agoram Counsel for Plaintiffs, Defendants being set exparte, having heard the arguments submitted on behalf of Plaintiffs' side and having perused the case records and having stood over the same till date this court doth order and decree as follows:

Decree

1. That the suit be and the same is hereby decreed with cost.
2. Permanent injunction is granted against the defendants by restraining the defendants their men, agents, servants, legal representatives and heirs from in any way to interfering with the peaceful possession and enjoyment of the schedule mentioned properties.
3. That the claim of the plaintiffs for Preliminary Decree for Partition of the suit mentioned properties is dismissed as unnecessary in view of the relief of permanent injunction granted by this court.

4. That the Defendants be and is hereby directed to pay a sum of Rs.565/- towards the cost of this suit.

Schedule of Property

Property situate at Kancheepuram District, Cheyyur Taluk, Kanathur Village.

Nanja S.No.	11/5 to an extent of 0.28.5 Hec.	-Ac.0.71 cents	Rs.1,42,000-0
Nanja S.No.	15/2A to an extent of 0.09.5 Hec.	-Ac.0.24 cents	Rs.48,000-00
Nanja S.No.	15/3 to an extent of 0.10.0 Hec.	-Ac.0.50 cents	Rs.1,00,000-00
Nanja S.No.	15/4 to an extent of 0.07.5Hec.	-Ac.0.18 cents	Rs.36,000-00
Nanja S.No.	15/5 to an extent of 0.07.0 Hec.	-Ac.0.17 cents	Rs.34,000-00
Nanja S.No.	15/6 to an extent of 0.07.5 Hec.	-Ac.0.18 cents	Rs.36,000-00
Nanja S.No.	16 to an extent of 0.62.0 Hec.	-Ac.1.53 cents	Rs.3,06,000.00
Nanja S.No.	17/8A to an extent of 0.03.5 Hec.	-Ac.0.09 cents	Rs.18,000-00
Nanja S.No.	17/9 to an extent of 0.20.0 Hec.	-Ac.0.50 cents	Rs.1,00,000-00
Nanja S.No.	23/1 to an extent of 0.25.5 Hec.	-Ac.0.63 cents	Rs.1,26,000-00
Nanja S.No.	23/3A to an extent of 0.07.0 Hec.	-Ac.0.17 cents	Rs.34,000-00
Nanja S.No.	23/4 to an extent of 0.02.5 Hec.	-Ac.0.06 cents	Rs.12,000-00
Nanja S.No.	25/3B to an extent of 0.06.5 Hec.	-Ac.0.16 cents	Rs.32,000-00
Nanja S.No.	9/5C to an extent of 0.05.5 Hec.	-Ac.0.12 cents	Rs.24,000-00

Total Value of the suit properties is Rs.10,48,000/-

Schedule of Costs

Plaintiff's side	Rs.	Defendants' side	Rs.
Stamp on Plaint	30.00/-	Vakalath	5.00
Vakalath	5.00		
Pleader fee	500.00/-		
Stamp on petition	20.00/-		
Service of process	10.00/-		
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Total	565.00/-	Total	5.00/-
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(Defendant's side cost memo not filed. Hence other cost not taxed)

Given under my hand and seal of this court that the 4th day of January 2019.

Subordinate Judge,
Madurantakam.

**IN THE COURT OF THE SUBORDINATE JUDGE,
AT MADURANTAKAM.**

Present: Thiru.N.S.Srivathsan,M.L.,

Subordinate Judge,

Friday, the 4th day of January 2019

O.S.No.137/2017

1.S.Mala, aged 49 yeras, W/o.Late Sridhar,

2.Nandhini, aged 25 years, S/o.Late Sridhar

3.Prasanth , aged 23 years, S/o.Late Sridhar Hindu, residing at Kanathur Village,
Koovathgur Post, Cheyyur Taluk, Kancheepuram District.

....Plaintiffs

/Vs/

1.Sundaramoorthy, aged about 50 years, S/o.kandasamy,

2.Athikesavan @ babu, aged about 32 years, S/o.Duraikannu, Hindus, Both are
residing at Kanathur Village, Koovathgur Post, Cheyyur Taluk, Kancheepuram
District.

...Defendants

The Plaintiffs have filed the above suit against the Defendants praying for Permanent injunction by restraining the 1st defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned property alternative preliminary decree for partition of the suit mentioned properties into **2 equal shares** by appointing an Advocate Commissioner and direct the commissioner to divide the suit properties into two equal shares by metes and bounds and allot one share to plaintiff by considering the good and bad soil by converting the joint

possession into separate possession and Permanent injunction by restraining the 2nd defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned property and for costs.

This plaint was first presented on: 21.11.2017

The Plaintiff values the relief of suit for Permanent injunction at Rs.1000/- and pays a court fee of Rs.30/- paid under Section 27(c) of TNCF Act.

The cause of action for the suit arose on 01.11.2017, 11.11.2017 at Kanathur Village, Kodur Firka, Cheyyur Taluk, Kancheepuram District.

This suit coming before this court for final disposal on 30.12.2018 in the presence of Thiru.V.Agoram Counsel for Plaintiffs, Defendants being set exparte, having heard the arguments submitted on behalf of Plaintiffs' side and having perused the case records and having stood over the same till date this court doth order and decree as follows:

Decree

1. That the suit be and the same is hereby decreed with cost.
2. Permanent injunction is granted against the defendants by restraining the defendants their men, agents, servants, legal representatives and heirs from in any way to interfering with the peaceful possession and enjoyment of the schedule mentioned properties.
3. That the claim of the plaintiffs for Preliminary Decree for Partition of the suit mentioned properties is dismissed as unnecessary in view of the relief of permanent injunction granted by this court.

4. That the Defendants be and is hereby directed to pay a sum of Rs.565/- towards the cost of this suit.

Schedule of Property

Property situate at Kancheepuram District, Cheyyur Taluk, Kanathur Village.

Nanja S.No.	11/5 to an extent of 0.28.5 Hec.	-Ac.0.71 cents	Rs.1,42,000-0
Nanja S.No.	15/2A to an extent of 0.09.5 Hec.	-Ac.0.24 cents	Rs.48,000-00
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Nanja S.No.	23/4 to an extent of 0.02.5 Hec.	-Ac.0.06 cents	Rs.12,000-00
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Nanja S.No.	9/5C to an extent of 0.05.5 Hec.	-Ac.0.12 cents	Rs.24,000-00

Total Value of the suit properties is Rs.10,48,000/-

Schedule of Costs

Plaintiff's side	Rs.	Defendants' side	Rs.
Stamp on Plaint	30.00/-	Vakalath	5.00
Vakalath	5.00		
Pleader fee	500.00/-		
Stamp on petition	20.00/-		
Service of process	10.00/-		
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Total	565.00/-	Total	5.00/-
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(Defendant's side cost memo not filed. Hence other cost not taxed)

Given under my hand and seal of this court that the 4th day of January 2019.

Subordinate Judge,
Madurantakam.

In the Court of the Subordinate Judge, Maduranthakam.

O.S.No.137/2017

S.Mala and others . . . Plaintiffs.

/Vs/

Sundaramoorthy . . . Defendant.

Valuation Slip

1. Section and Sub Section of the Act : Sec 27(c) of TNCF Act.
Alternatively Sec.37(2) of Act
2. Nature of suit : Suit for permanent injunction
alternatively suit partition and for separate possession.

For the relief of suit for permanent injunction

1. The suit is notionally valued at Rs.1000.00

The court fee paid u/s.27(c) of TNCF Act: Rs.30.00

Alternatively: For the relief of suit for partition of the Plaintiff 1/2 share
and for separate possession of the same.(Prayer No.1)

Total Value of the suit properties is : Rs.10,48,000.00/-

Plaintiff's half share is : Rs.5,24,000.00

The Fixed Court fee paid u/s.37(2) of TNCF Act Rs.5000.00

(The Court fee paid higher value)

For the relief of suit for permanent injunctions

The suit is notionally valued at :Rs.1000.00

The Court fee paid u/s.27(c) of TNCF Act : Rs.30.00

4.Minimum Value : Rs.5,24,000.30P

5.Court fee paid on the higherer value U/s.37(2) of TNCF Act. :Rs.5030/-

(Sd/-)S.Mala

(Sd/-)Nandhini

(Sd/-) Thiru.V.Agoram

(Sd/-)Prasanth

Counsel for plaintiff

Plaintiff.

/By Order/True Copy/

Sheristadhar,

Sub Court, Maduranthakam

**IN THE COURT OF THE SUBORDINATE JUDGE,
AT MADURANTAKAM.**

Present: Thiru.N.S.Srivathsan,M.L.,

Subordinate Judge,

Friday, the 4th day of January 2019

I.A.503/2017

in

O.S.No.137/2017

1.S.Mala, aged 49 yeras, W/o.Late Sridhar,

2.Nandhini, aged 25 years, S/o.Late Sridhar

3.Prasanth , aged 23 years, S/o.Late Sridhar Hindu, residing at Kanathur Village,
Koovathur Post, Cheyyur Taluk, Kancheepuram District.

....Petitioners

/Vs/

1.Sundaramoorthy, aged about 50 years, S/o.kandasamy,

2.Athikesavan @ babu , aged about 32 years, S/o.Duraikannu, Hindus, Both are
residing at Kanathur Village, Koovathur Post, Cheyyur Taluk, Kancheepuram
District.

...Respondents

The Petitioners have filed the above petition against the respondents praying for temporary injunction by restraining the 1st respondent/1st Defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned properties till the disposal of the suit and ad-interim injunction is also granted till the disposal of the suit and ad-interim injunction is also granted till the disposal of this application

and temporary injunction by restraining the 2nd respondent/ 2nd Defendant, their men, agents, servants, legal representatives and heirs from in any way interfering with the peaceful possession and enjoyment of the schedule mentioned properties till the disposal of the suit and ad-interim injunction is also granted till the disposal of the suit and ad-interim injunction is also granted till the disposal of this application

This petition was first presented on: 21.11.2017

This petition coming before this court for final disposal on 30.12.2018 in the presence of Thiru.V.Agoram Counsel for Petitioner, Defendants being set exparte, having heard the arguments submitted on behalf of Plaintiffs' side and having perused the case records and having stood over the same till date this court doth order and decreetal order as follows:

Decree

1. That the petition be and the same is hereby dismissed as unnecessary.
2. That there is no order as to cost.

Schedule of Property

Property situate at Kancheepuram District, Cheyyur Taluk, Kanathur Village.

Nanja S.No.	11/5 to an extent of 0.28.5 Hec.	-Ac.0.71 cents	Rs.1,42,000-0
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Nanja S.No.	15/5 to an extent of 0.07.0 Hec.	-Ac.0.17 cents	Rs.34,000-00
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Nanja S.No.	9/5C to an extent of 0.05.5 Hec.	-Ac.0.12 cents	Rs.24,000-00

Total Value of the suit properties is Rs.10,48,000/-

Schedule of Costs

Petitioner's side	Rs.	Defendants' side	Rs.
Stamp on Petition	20.00/-	Vakalath	---
Vakalath	5.00		
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Total	25.00/-	Total	----
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Given under my hand and seal of this court that the 4th day of January 2019.

Subordinate Judge,
Madurantakam.

