

IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt.R.Mahalakshmi., B.A., B.L.,
District Munsif, Madurantakam

Monday, the 23rd day of March, 2026

O.S.No.38/2021

CNR No.TNCG14-000-059-2021

T.Rajan Iyyer represented by his
Power of attorney M.K.Ramesh

...Plaintiff

Vs.

1. Elumalai
2. Siva

...Defendants

This suit is coming up for final hearing before me in the presence of Tr.S.Subramanian, Advocate for Plaintiff and Tr.S.Premkumar, Advocate for defendants and after hearing the arguments on both sides and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

JUDGMENT

The suit is filed by the Plaintiff for the relief of permanent injunction restraining the defendants, their men and agents from anyway interfering with the plaintiff's peaceful possession and enjoyment of access through B schedule property to reach from public road to A schedule property and for costs.

2. The brief averments in the plaint:-

(i) The plaintiff states that the suit A schedule property was originally owned by one K.Siva who acquired the same by way of settlement deed dated 30.04.2010 executed by his father Krishnan. Thereafter the said K.Siva sold the suit A schedule property to the plaintiff vide sale deed dated 06.01.2011 and from the date of purchase the plaintiff is in possession and enjoyment of the suit A schedule property and obtained patta in his name.

(ii) The plaintiff further states that the Mangalam Village road runs north to south in S.No.293/1. The Suit 'A' schedule property is situated on the western side of the road, and in between the road and 'A' schedule there is about 20 cents of promboke property in S.No.293/1 which is only access to reach A schedule property which is shown as suit B schedule herein.

(iii) The plaintiff further states that the defendants are attempting to trespass into the suit B schedule property and denying the access to the plaintiff. The defendants have no right, title or interest over the suit 'B' schedule property. Further in the settlement deed dated 30.04.2010 the eastern boundary is shown as road and promboke property. The defendants attempted on 06.04.2021 to block the access and the same was successfully prevented. Hence the plaintiff is constrained to file the present suit for the relief of permanent injunction.

3. Written statement filed by the Defendants, are as follows:

(i) The Defendants denies each and every averments in the plaint except those that are specifically admitted herein. This suit is not maintainable in law and facts. The averments in the plaint are false.

(ii) This defendant states that suit 'A' schedule property was purchased by the defendant's father late Krishnan and his brothers Jaganathan and Jayaraman from one Natesa Chettiyar and others through his sale deed dated 18.07.1975 and thereafter they were in joint possession and enjoyment of the suit A schedule property for more than 2 ½ decades. Thereafter the said Late Krishnan and his brother Jaganathan and Jayaraman executed the partition deed with respect to suit A schedule property through partition deed dated 03.09.2002 by virtue of said partition they enjoyed their respective share in the suit A schedule property.

(iii) Thereafter the defendant's father late.Krishnan mutated the revenue records with respect to his share of property in suit A schedule property. The defendant further states

that his father late.Krishnan was in possession of 90 cents in the western side of suit A schedule property which meikkal poramboke land for more than 3 decades and was doing cultivation in the suit property which is part of the suit B schedule property herein. Further the defendants states that after the death of his father the defendants were in possession and enjoyment of the aforesaid property.

(iv) The defendant further states that his father executed settlement deed in favour of 2nd defendant with respect to his share in suit A schedule property vide settlement deed dated 30.04.2010. Thereafter the 2nd defendant in turn sold the aforesaid property i.e., suit A schedule property to the plaintiff vide sale deed dated 06.01.2011. The defendant further states that there was dispute between 1st defendant and the plaintiff's Rajan Iyer with respect to digging of well and making use of the said misunderstanding the plaintiff power agent M.K.Ramesh with malafide intention trying to grab 20 cents of property in suit B schedule out of 90 cents in S.No.293/1.

(v) Thereafter in the month of March 2021, the plaintiff's power agent M.K.Ramesh and his father M.C.Krishnan lodged a police complaint against the defendants before the Padalam Police Station. The defendants further states that the plaintiff is having alternative way to reach his A schedule property in the northern side of suit A schedule property. Therefore the defendants are in peaceful possession and enjoyment of the poramboke property in S.No.293/1 measuring an extent of 90 cents for nearly four decades. Hence there is no merits and hence the suit is liable to be dismissed with costs.

4. On perusal of pleadings and documents, the following issues were framed.

- 1. Whether the plaintiff is in enjoyment over the B schedule of property by using to ingress and egress (access) his A schedule of property?**
- 2. Whether the B schedule of property is the only way to access the A schedule of property or whether any alternative passage is available for the plaintiff to access into A schedule of property?**

3. Whether the plaintiff is entitled for the relief of permanent injunction?

4. To what other relief the plaintiff is entitled for? Whether entitled for cost over the suit?

5. For the sake and convenience of this court the above issues already framed by this court, are re-casted as follows:

1. Whether the plaintiff is in enjoyment over the suit B schedule of property which is the only access to reach suit A schedule of property?

2. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

3. To what other relief the plaintiff is entitled for? Whether entitled for cost over the suit?

6. On the Plaintiffs side, PW1 to PW5 were examined and Exhibits A1 to A6 were marked. On the side of Defendants, DW1 and DW2 were examined and no Exhibits were marked.

7. Heard both sides and perused the records.

8. **Issue Nos.1 and 2:-**

1. Whether the plaintiff is in enjoyment over the suit B schedule of property which is the only access to reach suit A schedule of property?

2. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

(i) The specific case of the plaintiff is that the suit 'A' schedule property originally belongs to 2nd defendant father Krishnan who executed a settlement deed dated 30.04.2010 (Ex A2) to his son i.e., 2nd defendant herein. Subsequently the 2nd defendant in turn sold the suit 'A' schedule property to the plaintiff by way of sale deed dated 06.01.2011 (Ex A1) and from the date of purchase the plaintiff is in possession and enjoyment of the suit 'A' schedule property. The contention of the plaintiff is that suit

'B' schedule is poramboke land which is the only access to reach suit 'A' schedule property but the defendants who have no right, title or interest in the suit 'B' schedule property is interfering with the plaintiffs access to the suit 'A' schedule property.

(iii) It is admitted by both parties the suit 'A' schedule properties belongs to Krishnan who executed a settlement deed dated 30.04.2010 infavour of his son i.e., 2nd defendant who inturn sold the suit 'A' schedule property to the plaintiff herein by way of sale deed dated 06.01.2011 (Ex A1).

(iv) To prove the case of the plaintiff, he mainly relies on Ex A1 to Ex A5. Admittedly as there is no dispute with regard to the suit 'A' schedule property it is not necessary to discuss the documents Ex A1, Ex A2, Ex A4 and Ex A5 which show the title of the plaintiff with respect to the suit 'A' schedule property. The only dispute between the parties is with respect to suit 'B' schedule property which is the only access to reach the suit 'A' schedule property as alleged by the plaintiff. Hence the short dispute involved is whether the suit 'B' schedule property is the only access to reach suit 'A' schedule property. Further it is admitted between the parties the suit B schedule property in S.No.293/1 is the poramboke property.

(v) On the other hand the defendant pleaded that his father Krishnan was in possession of 90 cents in S.No.293/1 which is poramboke land for more than three decades. But contrary to their pleadings DW1 in his cross examination admitted that plaintiff is using the suit B schedule property as allotted by the defendant as pathway and further he has no objection in accessing 20 cents of property in S.No.293/1 i.e., B schedule property as pathway by the plaintiff and further he went on to admit that he has no objection in decreeing the suit with respect to 20 cents of property in suit B schedule property.

(vi) Even DW2 also admitted that, "தாவா பி அட்டவணை சொத்தின் 20 சென்ட் நிலத்திற்கு வாதி அனுபவித்து வருவதற்கு எனக்கு எந்த ஆட்சேபமையும்

இல்லை என்றால் சரிதான். எனவே வாதி கோரியவாறு தாவா பி அட்டவணை சொத்தின் 20 சென்ட் நிலத்திற்கு தீர்ப்பாவதற்கு எனக்கு ஆட்சேபனை இல்லை என்றால் சரிதான்". Therefore the admission of the defendants is cogent, clear and unambiguous. It is settled law that an admission is the best piece of evidence against the party making it unless the same is shown to be erroneous. Hence in view of the aforesaid admission of the defendants and further as the defendant's have no objection in granting the relief as claimed by the plaintiff, this court holds that suit 'B' schedule is the only access to reach the suit 'A' schedule property and plaintiff is entitled for the relief of injunction with respect to suit B schedule property. Thus these issues are answered in favour of the plaintiff.

11. Issue No.3 :-

3. To what other relief the plaintiff is entitled for? Whether entitled for cost over the suit?

The plaintiff is not entitled to any other reliefs and no costs.

12. In the result, this suit is decreed. No costs.

The plaintiff is granted the relief of permanent injunction restraining the defendants, their men and agents from in any way interfering with the plaintiff's peaceful possession and enjoyment of 'B' schedule property which is the access to reach from public road to 'A' schedule property.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 23rd day of March, 2026

District Munsif
Madurantakam

Plaintiff Side Witness:-

PW1- Ramesh
PW2- Govindaraj
PW3- Elumalai
PW4- Manoharan
PW5- Krishnan

Plaintiff side Documents:-

Ex. A1- Certified copy of sale deed dated 06.01.2011
Ex. A2- Certified copy of settlement deed dated 30.04.2010
Ex. A3- Rough sketch
Ex. A4- Computerized patta no.305 dated 05.04.2022
Ex. A5- Computerized patta no.300 dated 05.04.2022
Ex. A6- Computerized patta no.353 dated 05.04.2022

Defendant side Witness:-

DW1- Elumalai
DW2- Siva

Defendant side Documents:-

- NIL -

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