

**IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM**

**PRESENT:** Tmt. V.Devapriya, B.Sc., M.L.,  
District Munsif, Madurantakam

Wednesday, the 7<sup>th</sup> day of February, 2024

I.A.No.5/2022

in

O.S.No. 63/2011

1. K. Lakshmi Ammal, (Died)
2. Kanniammal
3. K. Mani
4. Rani (Died) \*
5. G. Neelakandan \*

( \* Amended as per order in I.A.No. 10 of 2023 dated 24.07.2023)

...Petitioners/Defendants

**-vs-**

M. Thiyagarajan

...Respondent/Plaintiff

This petition coming up before me on 23.1.2024 for final hearing in the presence of, Thiru. S. Selvanandam, counsel for Petitioners/Defendants and Ms. Arunamunuswamy, counsel for the Respondent/Plaintiff and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

**ORDER**

This petition has been filed by the Petitioners/Defendants under Order VIII Rule 1-A (3) of Code of Civil Procedure, to receive the petition mentioned

documents after condoning the delay in filing the same.

**2.The averments stated in the petition in brief**

Respondent/Plaintiff had filed the above suit for bare injunction. The entire suit property was originally belonged to the 1<sup>st</sup> Defendant, Lakshmi Ammal, W/o. Late. Kannappa Naicker, who had purchased a land to an extent of 63 cents punja land in old S. No. 126/9 from one P. Mariammal, W/o. Panchanga Naicker in the year 1958 from and out of her own source under a registered Sale Deed and had been in the possession and in enjoyment of the same by cultivating the same. Thereafter the 1<sup>st</sup> Defendant had sold an extent of 40 cents punja land in old S. No. 126/9, new S. No. 126/20 from the afore said land, for her family expenses in the year 1986, to one Mr. Natarajan, S/o. Sadayappa Naicker, residing in the same village and registered the same on 04.12.1986 as Document No. 2208/1986 in the office of Sub-Registrar, Maduranthakam. Hence, the 1<sup>st</sup> Defendant has become the absolute owner of the remaining 23 cents of land and she is in peaceful possession and enjoyment of the same. Hence the Respondent/Plaintiff or his predecessor has no title over the remaining 23 cents of land.

4. The Respondent/Plaintiff without having any right in respect of remaining 23 cents of the above said suit property, which belongs to the 1<sup>st</sup> Defendant herein, had

attempted to encroach the same under the guise of the Settlement Deed dated 12.07.2022. The Respondent/Plaintiff is not in peaceful possession and enjoyment of the said disputed land. However, the Respondent/Plaintiff and the above said S. Natarajan, who indulged in the land grabbing, with a view to overcome the criminal proceedings and to circumvent the law had chosen to file the present suit. The Respondent/Plaintiff had filed the above suit based on a false plea and he has no right to approach this Court.

5. The 1<sup>st</sup> Defendant had executed and registered a settlement deed in respect of remaining 23 cents of land in old S.No. 126/9, new S. No. 126/20 as document no. 743 of 2011 in favour of her grandson, namely M. Srinivasan, on 14.02.2011 in the office of Sub Registrar, at Maduranthakam. Due to oversight and inadvertence the above said document was not given to our counsel and is neither willful nor wanton and it was not produced before this court as evidence, when the written statement was filed by the Defendants. Hence the petition.

**6. The averments stated in the Counter filed by the Respondent/Plaintiff in brief:**

This petition is not maintainable in law and on facts. The averment that the Lakshmi ammal was entitled to 0.23 cents in the suit survey number is not correct.

The documents sought to be received and marked is not a valid document. It had never seen the light of the day. There is no such property at all and there is no such extent at all. The Petitioners/Defendants never whispered about the alleged settlement deed dated 14.02.2011. Further the DW1 is neither party to the document nor party to the suit.

7. The Petitioners/Defendants had suppressed the description of document in the petition. The settlement deed dated 14.02.2011 is a void document and for the above said reasons the document cannot be received and marked. Hence this petition is liable to be dismissed with costs.

8. The point for determination is whether this petition is to be allowed or not?

9. No exhibits were marked and no witnesses were examined on both sides.

10. Heard both sides and perused the records.

11. The Petitioners/Defendants had filed this petition to receive the petition mentioned documents. The Respondent/Plaintiff resisted the petition stating that the document is a void document. This petition is filed merely to receive the documents. The objections raised by the Respondent/Plaintiff can be decided only after trial. Hence in the interest of justice, this court is inclined to allow this petition.

**12. In the result, this petition is allowed. No costs.**

Dictated to the Stenographer typed by him and corrected and pronounced by me  
in open court on this the 7<sup>th</sup> day of February, 2024.

Sd/- V. Devapriya  
07.02.2024  
District Munsif  
Madurantakam

**Petitioners side witnesses and documents:**

**Nil**

**Respondent side witnesses and documents:**

**Nil**

Sd/- V. Devapriya  
07.02.2024  
District Munsif  
Madurantakam