

IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM

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

Monday, the 29th day of August, 2022

O.S. No. 116/2021

CNR No. TNKPOC-000180-2021

Kandhan

...Plaintiff

..Vs..

1. Annammal

2. Annamalai

...Defendant.

This suit coming up for final hearing before me on 17.08.2022 in the presence of Thiruvallargal V.Mohan, J.Gopinath, V.Loganathan and A.Mujeebunisha counsel for the Plaintiff, and the Defendants having been called absent and set exparte on 22.06.2022 and after perusing the records and after hearing the arguments of the counsel for the Plaintiff and having stood over for consideration till this day, this court delivered the following,

JUDGMENT

The Plaintiff has filed this Suit under Order 7 Rule 1 of Code of Civil Procedure praying to declare the Plaintiff's title over the suit property and for consequential permanent injunction against the Defendants restraining them, their men, agents, servants, or representatives from, in any way, interfering with the Plaintiff's peaceful possession and enjoyment of the suit properties, and to grant injunction restraining the Defendants 1 and 2 from, alienating or creating any encumbrance in the suit property till the disposal of the suit, and for cost.

2. The averments stated in the plaint in brief:-

The suit property originally belongs to 1st Defendant, Annammal. The father of the Plaintiff namely Ragava gounder had purchased the suit property from the 1st Defendant through registered Sale Deed dated 19.12.2011 and he was in possession and enjoyment of the suit property. Thereafter the said Ragava Gounder had executed a Settlement deed dated 19.09.2016 in favour of the Plaintiff and since then, the Plaintiff is in possession and enjoyment of the suit property. The patta in joint patta No.1083 on the record of Kattukaranai Village, has been issued in the name of Plaintiff along with the 1st Defendant. The Defendants are adjacent land owners and they had attempted to trespass into the suit property on 17.12.2021 and the same was restrained by the Plaintiff. The Defendants are disturbing the peaceful possession and enjoyment of the suit property by the Plaintiff and they are trying to create false document and encumbrances over the suit property. Hence the suit.

3. The Defendants, after due summons, had not entered appearance and hence they were called absent and were set exparte on 22.06.2022.

4. Points for determination :

Whether the Plaintiff is entitled for the relief as prayed for?

5. On the Plaintiff side, PW-1 and PW-2 were examined and Exhibit A-1 to A-6 were marked . There is no oral and documentary evidence on the side of Defendants.

6. Plaintiff side arguments heard. The plaint and the documents were perused.

7. The case of the Plaintiff is that, the Plaintiff's father Ragava Gounder had

purchased the suit property from the 1st Defendant by Sale deed dated 19.12.2011, Exhibit A-1, and he had settled the suit property in favour of the Plaintiff under registered Settlement deed dated 19.09.2016 Exhibit A-2, and that since then, he is in possession and enjoyment of the same. The Defendants had attempted to interfere the peaceful possession and enjoyment of the suit property on 17.12.2021.

8. The Plaintiff examined himself as PW-1 and deposed in consonance with pleadings. Exhibit A-1, Sale Deed dated 19.12.2011 shows that the Plaintiff's father had purchased the suit property from the 1st Defendant. The Exhibit A-2 shows that the Plaintiff's father had settled the suit property in favour of the Plaintiff. Exhibit A-3 shows that, the joint patta had been issued in favour of the Plaintiff and the 1st Defendant for the suit survey number. Exhibit A-5 shows that the Plaintiff is in possession and enjoyment of the suit property. The Defendant had not disputed the Plaintiff's title over the suit property and there is no contra evidence to dispose the above fact.

9. The Plaintiff examined one Apparasu, who is the third party to the suit, as PW-2 and he also deposed in favour of the Plaintiff by corroborating his evidence. The Defendants had not let in any evidence to disprove the above fact. On careful consideration of the above witnesses and evidences and on careful perusal of the materials placed on record, this court comes to the conclusion that the Plaintiff is entitled for the relief of declaration of title and for consequential injunction as prayed for.

10. Since the suit is disposed of, the relief of permanent injunction restraining the Defendants 1 and 2 from, alienating or creating any encumbrance over the suit property till the disposal of the suit, is not maintainable.

11. In the result, the suit is partly decreed, declaring the Plaintiff's title over the suit property and consequential permanent injunction is granted restraining the Defendants, their men, agents, servants, or representatives from, in any way, interfering with the Plaintiff's peaceful possession and enjoyment of the suit properties. No costs.

Dictated to the Stenographer and transcribed by her and corrected and pronounced by me in open court on this the 29th day of August, 2022

District Munsif
Madurantakam.

Plaintiff side witnesses:-

PW1 - Kandhan
PW2- Apparasu

Plaintiff side Exhibits :-

Ex.A1 – Original Sale deed executed by 1st defendant in favour of Plaintiff father Raghava gounder dated 19.12.2011
Ex.A2 – Original Settlement deed executed by Plaintiff father in favour of Plaintiff dated 19.09.2016
Ex.A3 – Online patta, patta No.1083
Ex.A4 – FMB Sketch
Ex.A5 – Kist receipt dated 14.12.2021
Ex.A6 – Online guideline value dated 23.12.2021

Defendant side Witnesses and Exhibits:-

-Nil-

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