

IN THE COURT OF DISTRICT MUNSIF AT MADURANTAKAM

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

Thursday, the 11th day of June, 2026

O.S.No.117/2021

CNR No.TNCG14-000-181-2021

1. Dhanusu Ammal (Died)

2. Nagaraj

3. Murugan

4. Madhavan

5. Sundari

6. Udhayakumar

7. Menaka

(Amended as per order in

I.A.No.11/2023 dated 03.10.2023)

...Plaintiffs

-Vs-

1. Chandra

2. Kalyani

...Defendants

This suit is coming up for final hearing before me in the presence of Tr. B.Rajesh, Advocate for Plaintiff and Tr.V.Agoram, Advocate for defendants and after perusing the records 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, agents and representatives from in any manner to trespass over the suit property to interfere into the plaintiff's peaceful possession and enjoyment over the suit property and for costs.

2. The brief averments in the amended plaint:-

(i) The plaintiff states that the total extent of suit property in S.No.217 is about 10 cents and the same was originally owned by deceased Viswanatha Reddiar who is the vendor of the plaintiff. The said Viswanatha Reddiar sold to an extent of 2 ½ cents in

suit S.No.217 to the plaintiff by way of registered sale deed dated 12.08.1961 which is described as suit schedule property herein and similarly the said Viswanatha Reddiar sold another portion of property measuring an extent of 2 ½ cents in suit S.No.217 to one Babu who is the father-in-law of defendants by way of registered sale deed dated 12.08.1961.

(ii) The plaintiff further states that after purchasing the suit property the plaintiff is in possession and enjoyment of the suit property. Further one Babu who purchased an extent of 2 ½ cents in suit S.No.217 orally sold the said property to the plaintiff during the month of December 1961 and handed over the possession to the 1st plaintiff and since then the 1st plaintiff alone is in possession and enjoyment of the suit property measuring an extent of 2 ½ cents along with the said property measuring an extent of 2 ½ cents. Further the plaintiff states that the remaining portion of 5 cents in suit S.No.217 was sold by Viswanatha Reddiar to one Kannan.

(iii) After oral purchase of the aforesaid property measuring an extent of 2 ½ cents in suit survey number 217 by the 1st plaintiff, she is in possession and enjoyment of the said property, but patta yet to be transferred in the name of the 1st plaintiff. The 1st plaintiff after oral sale of the said property from deceased Babu, she had put up a thatched hut over the said property and enjoyed the remaining extent of 2 ½ cents i.e suit property which is purchased by the plaintiff through registered sale deed dated 12.08.1961 as a vacant site for the usage of drainage channel.

(iv) The plaintiff further states that as the thatched house is in dilapidated condition the same was removed and the plaintiff constructed a Pacca house over the said property and enjoyed the suit property as a vacant site. While so, the defendant are the total strangers who have no right, title and interest over the suit property and attempted to trespass and interfere with the peaceful possession and enjoyment of the suit property. But the same successfully prevented by the plaintiff. The plaintiff further states that the defendants are very powerful persons and since the 1st plaintiff is aged person, she is constrained to file the present suit for the relief of permanent injunction.

3. Written statement filed by the defendants, is 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) The defendant admits that the property in S.No.217 measuring an extent of 2 ½ cents was purchased by Babu from Viswanatha Reddiar under a registered sale deed dated 12.08.1961. But the defendant denies the oral sale deed in favour of the plaintiff. Further the defendant denies the allegations of the plaintiff that Babu was affected with poor health condition and for taking his treatment he had sold an extent of 2 ½ cents in suit survey number to the plaintiff is not correct.
- (iii) The defendants states that from the date of purchase the said Babu alone enjoying the said property by putting up a hut and originally the husband of the 1st defendant was residing there with his family. Further as the defendant's family after children shifted to Chennai and hence the house became dilapidated and it became a vacant site. Further the Patta also stands in the name of Babu Vaigaiyara for the suit property.
- (iv) Further the defendant states that the 1st plaintiff Dhanusu Ammal purchased an extent of 2 ½ cents on the southern side of the suit property and the 1st plaintiff is no way connected to the suit property. The plaintiff daughter-in-law with malafide intention and attempting to grab the property belongs to the defendant and at the instigation of the 1st plaintiff's daughter-in-law, the 1st plaintiff herein originally filed the present suit.
- (v) Further the defendant states that the plaintiffs have to seek for the relief of declaration but they have filed the suit for bare injunction which is not maintainable. Further the plaintiff has no locus standi to file the present suit. There is no cause of action. The suit is not maintainable 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 this suit for bare injunction is maintainable without the relief of

declaration of title?

2. Whether there was a oral sale between the 1st plaintiff and the said Babu?

3. Whether the plaintiffs are in possession and enjoyment of suit property?

4. Whether the plaintiffs are entitled for the relief of permanent injunction as prayed for?

5. To what other reliefs, the Plaintiffs are entitled for?

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 has established his possession over the property allegedly purchased through oral sale?

2. Whether the plaintiffs are in possession and enjoyment of suit property?

3. Whether the plaintiffs are entitled for the relief of permanent injunction as prayed for?

4. Whether this suit for bare injunction is maintainable without the relief of declaration of title?

5. To what other reliefs, the Plaintiffs are entitled for?

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

7. Heard. Perused the records.

8. Recast Issue No.1:-

1. Whether the plaintiff has established his possession over the property allegedly purchased through oral sale?

(i) The definite case of the 1st plaintiff is that she orally purchased an extent of 2 ½ cents in S.No.217 in the year 1961 which belongs to one Babu. The said Babu had originally purchased the said property by way of registered sale deed dated 12.08.1961 (Ex A2). According to the plaintiff after oral sale by deceased Babu she put up a thatched house in the said property and later she constructed a house over the said

property and left the suit property as a vacant site for usage of drainage channel.

(ii) The learned counsel for the plaintiff submitted that total extent of the property in S.No.217 is 10 cents originally belongs to one Viswanatha Reddiar i.e., vendor of the plaintiff. The learned counsel further submitted that the said Viswanatha Reddiar sold the part of the suit property i.e., 2 ½ cents to the plaintiff on 12.08.1961 and sold another portion of property in S.No.217 to one Babu who is the father-in-law of the defendant by way of sale deed dated 12.08.1961. Further the learned counsel submitted that the property purchased by Babu was sold orally to the plaintiff. The learned counsel further submitted that the plaintiff put up a thatched house in the portion of property purchased through oral sale and thereafter constructed a house and left the suit property as a vacant site.

(iii) It is admitted by the parties that Babu purchased an extent of 2 ½ cents in S.No.217 in the year 1961. Even PW1 admitted in her cross examination that out of 10 cents in survey number 217, Babu purchased 2 ½ cents of property and further admitted that the 1st plaintiff filed the suit with respect to property purchased by her through Ex A1 and not for the property purchased by one Babu. The learned counsel for the defendant also admitted that the total extent of property in S.No.217 is 10 cents and originally the plaintiff purchased 2 ½ cents in the suit survey number by way of sale deed dated 12.08.1961 and one Babu also purchased an extent of 2 ½ cents in the suit survey number on 12.08.1961. The only contention of the defendant is that no oral sale was made by Babu in favour of the plaintiff and it is the husband of the 1st defendant and their family members were residing in the said property. Further the defendant alleged that Patta for the suit property stands in the name of Babu Vaigaiyara.

(iv) To prove the possession of the plaintiff over the said property orally purchased from one Babu the plaintiff mainly relies on Ex A4 to Ex A6 i.e., EB receipts, property tax receipts and water tax receipts. Though it is true that oral sale does not convey title to transactions for immovable property where the law requires registered instrument, it reveals from Ex A4 to Ex A6 that the plaintiff constructed a house in the said property

and enjoying by paying property tax, EB charges and water tax receipts. The aforesaid documents is substantiated from the oral evidence of PW1 who in his cross examination admitted that he was in possession of the said property measuring an extent of 2 ½ cents which was purchased by Babu and he further went on to depose that 1st plaintiff constructed a house in the said property purchased through oral sale deed from one Babu in the year 1961 as there is a road abutting to the said property and further after constructing the house she obtained EB service connection. And further as the original sale deed dated 12.08.1961 Ex A2 is in the custody of the 1st plaintiff it raises a presumption in favour of plaintiff and supporting the case of the plaintiff regarding her possession and enjoyment over the said property

(v) Further the PW1 admitted that, "பாபு கிரையம் வாங்கிய கிரைய பத்திரம் எனக்கு எப்படி கிடைத்தது என்றால் எனது தாயார் மூலம் கிடைத்தது. எனது தாயாருக்கு எப்படி கிடைத்தது என்றால் பாபு தான் கொடுத்தார்". Therefore from the above oral and documentary evidence adduced by the plaintiff it discloses that possession of the property alleged to be purchased by the plaintiff through oral sale deed from one Babu is in the possession of the plaintiff and the plaintiff has enjoyed the said property by constructing a house and obtaining electricity service connection.

(vi) On contrary the defendant has not produced any documents to show that they are in possession of the aforesaid property, purchased by their father-in-law one Babu. Hence the plaintiff has satisfactorily proved that she has been possession and enjoyment of the orally purchased property through Ex A4 and Ex A6. Hence this Issue is answered in favour of the plaintiff and against the defendant.

9. Recast Issue Nos.2 and 3:-

2. Whether the plaintiffs are in possession and enjoyment of suit property?

3. Whether the plaintiffs are entitled for the relief of permanent injunction as prayed for?

(i) The case of the plaintiff is that the 1st plaintiff purchased the suit schedule property measuring an extent of 2 ½ cents from one Viswanatha Reddiar through

registered sale deed dated 12.08.1961 (Ex A1) and ever since the date of purchase the plaintiff is in possession and enjoyment of the suit property. The plaintiff alleged that she kept the suit property as a vacant site for the usage of drainage channel. The contention of the plaintiff is that the defendant who have no right, title or interest in the suit property had made an attempt to trespass over the suit property.

(ii) To substantiate the claim of the plaintiff, the plaintiff relied on Ex A1 sale deed dated 12.08.1961. On perusal of it reveals that one Viswanatha Reddiar sold an extent of 2 ½ cents out of 10 cents in S.No.217 to 1st plaintiff Dhanusu Ammal. Further it reveals from Ex A1, that the northern boundary is the property purchased by Babu which is same as the suit schedule boundaries.

(iii) Per contra, though the defendant contended that the suit property belongs to their father-in-law Babu. The defendants has not produced any documents to show the title and possession with respect to the suit property. Even DW1 in her cross examination admitted that she is claiming right over the suit property only.

(iv) It is settled principle of law that possession ordinarily follows the title. Hence in the present case the plaintiff proved her title over the suit property through a registered sale deed Ex A1 and further the defendants has not produced any convincing evidence to disprove the case of the plaintiff. Therefore this court considers that the plaintiff is in lawful possession and enjoyment of the suit property. Therefore in view of the above discussion this court finds that the plaintiff has satisfactorily established his lawful possession and enjoyment of the suit property and thereby entitled for the relief of permanent injunction. Hence these Issues are answered in favour of the plaintiff and against the defendant.

10. Recast Issue No.4:-

4. Whether this suit for bare injunction is maintainable without the relief of declaration of title?

(i) The plaintiff filed the suit for the relief of permanent injunction against the defendants with respect to suit schedule property. The plaintiff alleged that she

purchased the suit property from one Viswanatha Reddiar by way of registered sale deed dated 12.08.1961(Ex A1) and further alleged that as defendants attempted to trespass over the suit property on 21.12.2021, she was constrained to file the suit for permanent injunction. The plaintiff to prove his title with respect to the suit property relied on Ex A1 sale deed dated 12.08.1961, On perusal of Ex A1 it reveals that one Viswanatha Reddiar sold an extent of 2 ½ cents in suit survey number to 1st plaintiff Dhanusammal.

(ii) On contrary the contention of the defendant is that since the title of the plaintiff has been disputed the suit for bare injunction is not maintainable without seeking relief of declaration. It is true that where the title of the plaintiff is under a genuine cloud the plaintiff may be required to seek relief of declaration along with injunction. But in the present case the defendant merely alleged in the written statement denying the title of the plaintiff with respect to suit property but defendant has not produced any documents or any other evidence to establish his title or possession over the suit property. Even Dw1 in her cross examination admitted that they are claiming title with respect to suit property vacant site and not the house constructed on the northern side of the suit property. But the plaintiff to prove his title with respect to suit property relied on Ex A1 Sale deed whereas defendant has not produced any iota of documentary evidence to show their title and possession with respect to suit property. Hence it is not sufficient to hold that the title of the plaintiff is under cloud.

(iii) Therefore the mere denial of the title of the plaintiff, unsupported by evidence does not create cloud over title of the plaintiff. Hence in the absence of any documentary or oral evidence supporting the defendants claim of title the contention of the defendant the plaintiff ought to have filed the suit for declaration cannot be accepted. Hence this Issue is answered in favour of the plaintiff and against the defendant.

11. Recast Issue No.5:-

5. To what other reliefs, the Plaintiffs are entitled for?

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

12. In the result, the suit is decreed that the plaintiff is granted the relief of permanent injunction restraining the defendants, their men, agents and representatives from in any manner to trespass over the suit property to interfere into the plaintiff's peaceful possession and enjoyment over the suit property. No costs.

Dictated to the Stenographer, typed by her and corrected and pronounced by me in open court on this the 11th day of June, 2026

District Munsif
Madurantakam

Plaintiff Side Witnesses:-

PW1- Nagaraj

Plaintiff side Documents:-

Ex. A1- Sale deed dated 12.08.1961 (original)

Ex. A2- Sale deed dated 12.08.1961 (original)

Ex. A3- Patta pass book (original)

Ex. A4- EB receipt (original)

Ex. A5- Online copy of Property tax receipt

Ex. A6- Online copy of water tax receipt

Defendant side Witness:-

DW1- Chandra

DW2 Elumalai

Defendant side Documents:-

- NIL -

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