

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO1
KODAIKANNAL**

**Present :Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No.I,
Kodaikannal.
Wednesday the 22nd day of October 2025**

-
**I.A.No.3/2025
in
O.S.No.155/1993**

Mrs. Vasanthi ... Petitioner / 1st Defendant

// Vs//

M/s. Streling Holiday Resorts
Limited Represented by
Its Deputy Legal Manager ... Respondent / Plaintiff

Order

The Plaintiff M/s Sterling Holiday Resorts Ltd., is a public limited company, which indulges in the business of developing and running holiday resorts. The Plaintiff having investigated the title of the suit schedule property (Parcel of land measuring 8.742 Acre comprised in R.S.No.1012/3 comprised in Vilpatti village of Kodaikanal Taluk) accounted to have purchased the same from the defendant D6, who is the power agent of D4 and D5. The Plaintiff's case is that suit property initially belonged to Raja Chidambara Reddiar. The said Raja Chidambara Reddiar averred to have settled the suit property in-favour of his nephew namely Mookha Reddiar in 1960. On demise of Mookha Reddiar the property devolved on his heirs the 4th and 5th Defendants namely (Chandrasekaran and Selvarani). Plaintiff entered in to sale agreement on 1991. Though the 4th and 5th defendant were the lawful owners, the revenue eateries were in the name of the 7th and 8th Defendant (Swarnakumar and Ashok Kumar) 6th is the power agent of D4 and D5.

2. In the said Back drop the 1st Defendant claiming right through D2 and D3 (Ramani @ Ramanikanthan and Jyothi @ Jyothin Nageswaran) approached the Revenue officials for patta wherein the settlement made in favor of Mookha Reddiar in 1960 was solidified and plaintiff vendor's title was accounted to be affirmed. The suit property

accounted to be fenced and possession claimed to be under the plaintiff. In the said backdrop D2 the daughter of Raja Chidambara Reddiar and D3 the son of D2 claiming to have acquired right over the suit property through will executed by Raja Chidambara Reddiar, placed to have disputed the title of the Plaintiff. The plaintiff raised contention that the will is concocted and dubious. It is asserted that D2 is disowned by Raja Chidambar Reddiar and lived only with his second daughter who is the wife of D6. The plaintiff contended that the 2nd and 3rd defendant had no valid title regard the suit property and the sale deed executed by D2 and D3 in favor of D1 is a collusive act possibly engineered to extract money from the plaintiff.

3. The first defendant filed a written statement imputing the plaintiff's claim to be fraudulent. The defendants has not denied the aspect that the suit schedule property belonged to Raja Chidhambara Reddiar. It is the contention of the defendant that the Raja Chidhambara Reddiar made settlement in favour of Mookha Reddiar only for the purpose to prevent his land being acquired by the government under the Land Ceiling Act. The contention of the defendant is that the alienation created by Raja Chidhambara Reddiar in favor of Mookha Reddiar was never intended to be acted upon. It was asserted that Raja Chidhambara Reddiar was possession of the suit property until his demise and revenue records too stood in his name. The prime assertion placed by the 1st defendant is that even during land acquisition proceeding, it is the Raja Chidhambara Reddiar who revived the compensation and not Mookha Reddiar. Whereas D4 to D6 filed Written Statement affirming that plaintiff purchased the property in question from them and in-turn denied only the entitlement as claimed by D1 relying on the rights of D2 and D3.

4. The suit being pending for 32 years, having arrived for the defendant side evidence which was altogether dragged by the defendant, and having not made personal appearance in the suit filed an additional written statement. The brief contention placed in the additional is as follows. Defendant claims that suit is not maintainable or account of aspect due to history of admissions made by Raja Chidambara Reddiar and Mookareddiyar in other proceeding. The prime contention placed by the defendant in the Additional Written Statement is that Mookareddiyar never acted upon or accepted the settlement effected by Raja Chidambara Reddiar made in 1960. The defendant invoked the aspect

that for a settlement to be valid there must be an immediate transfer of possession and acceptance. The said aspect was placed to be absent. The Defendant asserted that Raja Chidambar Reddiyar failed to challenge the first land acquisition award and placed that the suit asserting the title by filing a suit for declaration.

5. The particulars of the main suit OS 155 of 1993 (more than thirty year old) being so, while the suit was posted under the caption for defendant side evidence on the basis of day to day proceeding from 09.10.2025, the defendant Vasanthi who being the sole contending party defaulted in appearance from the hearings dated 09.10.202. subsequently filed an interlocutory application invoking the provision Order 14 Rule 2 of CPC . Wherein prays that on account of another suit OS No 241/1996 additional issue regard principle of judicature ought to be framed and the same should be framed and should be tried as preliminary issue.

6. Prior to venturing into the contention as aspects placed in the interlocutory application preferred by the petitioner/defendant Vasanthi. **This court herein observes and records that the signature of the 1st defendant as found in the written statement filed in main suit, and the signature affixed in the affidavit filed along with the present interlocutory application differs.** Arriving to the petition contentions, it is placed that, Issues arises when material proposition of law or fact is affirmed by one and is denied by the other. The defendant D4 to D6 has not denied the assertion of the plaintiffs claim. Further D7 and D8 are the sons of D6 and were also exonerated. It is placed here that when D4 to D8 have not objected to the plaintiff's claim and have only been arrayed as proforma parties their subsequent exoneration does not in any manner affect the case of the 1st defendant, who contests the suit through the right of D2 and D3. Therefore, the objection of the 1st defendant regarding the exoneration of D6 and D8 appears untenable and the basis for such objection is not understood.

7. In respect of the principle of res judicata, regard which preliminary issue is sought to be raised by the defendant after the plaintiff side evidence was closed way back in 2016, it is placed that the Plaintiff M/s Sterling Holiday Resorts Ltd., is a public limited company was not a party to the proceeding in OS 241 of 1996. For application regard the principle

resjudicata, the former suit must have been suit between the same parties, and more essential aspect that the matter directly substantially in issue must be the same matter which was directly substantially in issue in the former suit. It is herein recorded that no such elements are found in the particulars of the present suit. As pointed out by the plaintiff in the reply statement filed, the petitioner/defendant was able to drag the suit in the stage for defendant side evidence for 9 years. Further allowing this interlocutory application, and framing additional issues by mere asking of the defendant and as a consequence directing the plaintiff to adduce further evidence, which had already concluded nine years ago, would not sub serve the cause of justice to the party who has diligently pursued the legal remedy. On the contrary, it would result only in grave injustice. The assertion of the plaintiff and the contending party the petitioner/1st defendant when simplified reveals that, the plaintiff claim his right to the suit property through Mooka Reddiar and the petitioner/1st defendant denies the vesting of any right regard the suit property from Raja Chidambaram Reddiar to Mooka Reddiar. Thus the issue framed by this court on 21.12.1994 is ample and proper (specifically issue 2: whether the settlement deed dated 05.04.1960 executed by Raja Chidambara Reddiar in favour of Mooka Reddiar is true and valid binding the Defendants D1 to D3), hence there arises no necessity to frame any additional issue or to decide the same as a preliminary issue. Placing the above reasoning, it is further placed that the Honble Madras High Court Madurai Bench in CRP(MD) 2586 of 2022, has directed to dispose the suit within a period of Three months.

Hence for the reason placed this IA 03 of 2025 is dismissed. No Cost.

Dictated by me to the steno typist, typed by him in computer, verified by me to be correct and pronounced in open court on Wednesday the 22nd day of October 2025.

**District Munsif cum Judicial Magistrate No.I
Kodaikanal.**