



**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE NO.I KODAIKANAL**

PRESENT : Thiru R. ARUN PANDIAN B.A.,B.L.,(Hons). M.L.,

District Munsif cum Judicial Magistrate No.I.Kodaikanal

Friday the 24th day of April, 2026.

Original Suit No. 66 of 2014

(CNR.No.TNDG11-000221-2014)

Between:-

Ram Mohan

---- Plaintiff.

Vs

1. Santhakumari (Deceased)
2. Vani Shri
3. Preetham
4. Prasanth
5. Jayaprakash
6. Sub Registrar, Kodaikanal

---- Defendants.

The suit having been heard in the presence of Thiru. N.Ramachandran, the learned counsel for the Plaintiff, and Thiru.A.Balasingh Ramanujam the learned counsel for the Defendants 1 and 2. Whereas defendant 3 to 5 being set ex-parte is herein noted. Counsel Mr. A.Muniyandi Government Pleader represented the 6th defendant. Having perused the entire records and heard the arguments behest the plaintiff, and this case having stood over for consideration till this day, before me, this court delivers the following.

JUDGMENT

This suit was filed by the plaintiffs claiming the relief of declaration that the sale deeds dated 10.12.2012 (Document No.2518 of 2012 and 2519 of 2012) are null and void. Further as a consequential relief of permanent injunction restraining the defendants from creating any further encumbrance.

2. The plaint allegations in brief are as follows:-

The suit schedule property is described as situated in Ward C, Block No. 21, T.S. No. 5, Kodaikanal Town measuring an extent of 1.50 acres, together with a residential house. Out of the total extent, a portion measuring 1.05 acres was originally purchased by the plaintiff's father, Madhanagopal Naidu, jointly with one Ramachandra Naidu, under a sale deed dated 16.07.1932. The remaining extent of 45 cents is stated to have originally belonged to one Radhakrishna Naidu, who is said to have subsequently gifted the said extent in favour of Madhanagopal Naidu. Thereafter, in a partition effected in the year 1960, the aforesaid extent of 1.05 acres fell to the share of the plaintiff's father, Madhanagopal Naidu. Consequently, for the total extent of 1.50 acres (comprising 1.05 acres and 45 cents), patta was issued in the name of Madhanagopal Naidu. Upon the demise of Madhanagopal Naidu in the year 1993, the said property devolved upon the plaintiff and his mother, Lalitha. Subsequently, in the year 2009, Lalitha is stated to have relinquished her share in favour of the plaintiff. Patta No. 206 had also been issued in the joint names of the plaintiff and his mother by proceedings of the Tahsildar, Kodaikanal. While so, the second defendant, namely Vani Shri, is alleged to have attempted to encroach upon the suit property by relying upon fabricated documents. In such circumstances, the plaintiff, Ram Mohan, instituted a suit in O.S. No. 166 of 2009 seeking declaration and injunction. During the pendency of the said suit, the second defendant is stated to have obtained patta in respect of a portion of the suit property in her name. The said mutation was challenged by way of writ proceedings, wherein the parties were directed to work out their remedies before the competent civil court. It is the contention of the plaintiff that until a final adjudication is made in O.S. No. 166 of 2009, the second defendant cannot assert any right or title over the suit property. The plaintiff further submits that upon verifying the encumbrance certificate relating to the suit property, it came to light that the second defendant had executed two sale deeds bearing Document Nos. 2518 of 2012 and 2519 of 2012, both dated 10.12.2012, in favour of defendants 3 to 5, thereby creating encumbrances over the suit property. According to the plaintiff, the execution of the said sale deeds during the pendency of

the earlier suit was with the fraudulent intention of clouding the title and creating encumbrances over the suit property. Hence, the present suit has been instituted seeking a declaration that the sale deeds dated 10.12.2012 are null and void, and for a consequential relief of permanent injunction restraining the defendants from creating any further encumbrance over the suit schedule property.

3. The 2nd defendant filed the written statement, the same was adopted by 1st defendant and its brief contention is as follows:-

The defendant contends that the plaintiff's suit is not maintainable either in law or on facts and is liable to be dismissed in limine. It is asserted that the pleadings and contentions raised by the plaintiff are repetitive in nature, having already been urged in earlier proceedings, namely O.S. No. 166 of 2009 and in his defence in O.S. No. 16 of 2010. It is submitted that O.S. No. 16 of 2010 was instituted by this defendant, Vani Sri, against the present plaintiff, Ram Mohan, and that both suits were jointly tried. Upon such trial, the relief sought by the plaintiff was dismissed, whereas the relief sought by this defendant was granted. The defendant further contends that no declaration of right in respect of the suit property has been sought in the present suit. The assertion of the plaintiff that Radhakrishnan Naidu gifted 45 cents is categorically denied. It is further contended that the plaintiff, while claiming to have perfected title over the property on the basis of patta, simultaneously disputes the evidentiary value of patta as a title document in favour of the defendant. Such inconsistent stands amount to approbation and reprobation and are impermissible in law. The defendant denies the plaintiff's claim of exclusive possession over the suit property. It is also contended that the plaintiff's simultaneous claim of title through documents and, alternatively, by way of adverse possession is inherently contradictory and untenable. The defendant further submits that the plaintiff's assertion that O.S. No. 166 of 2009 was a suit for declaration of title is a clear suppression of material facts intended to mislead the Court. In fact, O.S. No. 166 of 2009 was merely a suit for bare injunction. Even assuming, without admitting, that it was a title suit, the said suit was dismissed on 31.07.2015. It is further asserted that the rights of the defendant in respect of the 45

cents of land (Old Survey Nos. 25/15-9B2 and 25/15-9A2) have already been adjudicated and upheld in favour of the defendant in O.S. No. 166 of 2009 and O.S. No. 16 of 2010. Therefore, the plaintiff has no right to question or challenge the alienation made by the defendant in respect of her property. In the absence of a prayer for declaration of title, the present suit is not maintainable. Hence, the defendant prays that the suit be dismissed.

4. The 6th defendant filed the written statement, and its brief contention is as follows:-

The suit filed by the plaintiff is false and vexatious, and the relief sought in respect of the suit property is not legally sustainable; hence, the plaint is liable to be rejected at the threshold. Except for those facts expressly admitted herein, all other averments made by the plaintiff are denied, and the burden of strict proof lies entirely upon the plaintiff to establish the same before this Hon'ble Court. The impleadment of this defendant as a party to the present suit is unnecessary and unwarranted, and on that ground alone, the suit is liable to be dismissed in limine as against this defendant. Insofar as this defendant is concerned, any person claiming title to a property is required to execute and present documents supported by valid evidence for registration, and such registration, once presented, cannot be refused with reference to this defendant, provided it is in compliance with the applicable registration laws and rules.

5. Based on the assertion placed in the pleadings of both the parties to the suit, the following issues stood framed for trial on 08.04.2025:

Issue 1: Whether the documents dated 10.12.2012 is invalid, sham and nominal as alleged in the plaint?

Issue 2: Whether the plaintiff is entitled to relief of permanent injunction as prayed for?

Issue 3: To what other relief is the plaintiff entitled?

6. Oral and documentary evidences:-

On the side of Plaintiff, the Plaintiff was examined as the PW1 and Exhibits A1 to A12 were marked. Whereas behest the defendants, the 2nd defendant Vani Shri was examined as DW1 and Ex B1 to B26 marked behest the defendant.

7. Issues No. 1 and 2:- as the matter to be discussed are associated this court considers the issues 1&2 together. The substance of the case, as framed and pleaded by the plaintiff, is that a dispute subsists between the plaintiff and the second defendant, Vani Shri, in respect of 45 cents of land comprised in Old Survey Nos. 25/15 9A2 and 25/15 9B. On that premise, the plaintiff claims to have instituted a suit in O.S. No. 166 of 2009 seeking declaration of rights over the suit schedule property. However, during the pendency of the said suit, the second defendant is alleged to have created encumbrances by executing two sale deeds dated 10.12.2012 in respect of the said 45 cents of land. In this context, Ex.A6 (plaint in O.S. No. 166 of 2009) and Ex.B2 (certified copy of the judgment in O.S. No. 166 of 2009), on a plain reading, clearly reveal that the said suit was in fact one for bare injunction and not for declaration of title. Contrary to this, the plaintiff has deliberately set up a false case in the present suit as though the earlier suit was one for declaration. Such suppression of material facts and misrepresentation in the pleadings before this Court clearly demonstrate that the plaintiff has not approached the Court with clean hands. Further, during cross-examination, PW1 (plaintiff) admitted that O.S. No. 166 of 2009 was only a suit for bare injunction, thereby affirming the defence contention and discrediting the plaintiff's present pleadings.

8. In **Sunil Poddar v. Union Bank of India (2008) 2 SCC 326** the apex court has Court held that *“the facts and circumstances of the case should be seen in their entirety to find out if there is miscarriage of justice. If the appellant has not come forward with clean hands, has not candidly disclosed all the facts that he is aware of and he intends to delay the proceedings, then the Court will non-suit him on the ground of contumacious conduct”*. The plaintiff has wilfully suppressed the prior

round of litigation in OS.No 16 of 2010 (Ex A7), concerning the very same suit property to an extent of 45 cents (Old Survey Nos. 25/15 9A2 and 25/15 9b2), instituted by Vani Shri against Ram Mohan. At this juncture, this court finds it appropriate to extract the observations of the Hon'ble Apex Court in **Dalip Singh v. State Of Uttar Pradesh And Others 2010 (2) SCC 114** wherein it is observed *“However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings”*.

9. A perusal of Ex.B2, the judgment in O.S. No.166 of 2009, reveals that specific issues were framed, inter alia: (i) whether the claim of the defendant, Vani Shri, that her grandfather, Radhakrishnan Naidu, had not gifted the extent of 45 cents to any person is acceptable; and (ii) whether the suit, in the absence of a prayer for declaration and in light of the contention that the entire suit property does not belong to the plaintiff, is maintainable. The said suit was adjudicated upon after a full-fledged trial and was ultimately dismissed by judgment dated 31.07.2015 as against the plaintiff, Ram Mohan. Aggrieved thereby, the plaintiff preferred A.S. No.50 of 2015 (Ex.B3), wherein his claim relating to the said 45 cents comprised in Old Survey Nos. 25/15 9A2 and 25/15 9B2 was also dismissed. In O.S. No. 166 of 2009, the validity of the alleged oral gift, upon which the plaintiff bases his claim, was directly put in issue and adjudicated. The Court rendered a clear finding that the alleged gift of 45 cents by Radhakrishnan was not valid in law, particularly in the context of the requirements governing transfer of property. It was further held that the plaintiff failed to establish his possession over the suit property. In view of such categorical findings, the plaintiff is precluded from re-agitating the very same issue under the guise of challenging the sale deed, as the same is barred by the principle of res judicata.

10. The crux of the present suit is that the plaintiff, asserting right over the 45 cents (Old Survey Nos. 25/15 9A2 and 25/15 9B2) forming part of the suit schedule property, seeks a declaration that the sale deed executed by the 2nd defendant, Vani Shri, is invalid, sham, and nominal. However, it is pertinent to note that the very same sale deeds had already been put in issue in earlier proceedings, which culminated before the Hon'ble Apex Court in Crl. O.P. No. 1359 of 2021 (Ex.B15). Pursuant to a settlement arrived at therein, the sale deed now under challenge stands cancelled, as evidenced by Ex.B17 and Ex.B18. In such circumstances, the cause of action on which the present suit is founded has ceased to exist and has become infructuous. Consequently, the relief of declaration sought by the plaintiff is no longer sustainable in law. The plaintiff, during the cross-examination of DW1, attempted to elicit that the suit property belongs to the other family members of the second defendant, on the premise that the property had devolved upon the second defendant from her mother, and that such alleged co-heirs have not been impleaded regard right over the 45 cents. The plaintiff further sought to suggest that the suit property 45 cents constitutes a trust property allegedly created by Radhakrishnan. However, it is a settled principle of law that the burden of proof squarely lies upon the plaintiff to establish a clear and cogent case for the grant of the relief sought. The plaintiff must succeed on the strength of his own case and not on the perceived weakness or deficiencies in the defence set up by the defendant. Any such weakness in the defendant's case cannot, by itself, entitle the plaintiff to a decree as sought. **Hence for the reason stated the Issue No.1 and 2 are decided against the plaintiff.**

11. Issue No.3:-

Since the primary relief sought is denied with, there sustains no further relief.

In result, the suit fails and is dismissed. No Cost.

Typed by me in personal laptop and pronounced by me in open court this the 24th day of April 2026.

**District Munsif Cum Judicial Magistrate No1,
Kodaikanal.**

1. Plaintiff side witnesses:

PW1 - Ram Mohan

2. Plaintiff side exhibits:

Ex.A1	--	Patta	Certified copy
Ex.A2	--	Adangal	Certified copy
Ex.A3	--	Proceedings copy of the Thasildar	Certified copy
Ex.A4	--	Kist Receipts (5 Nos)	Certified copy
Ex.A5	--	Release deed	Certified copy
Ex.A6	--	Plaint copy in O.S.No.166/2009	Certified copy
Ex.A7	--	Plaint copy in O.S.No.16/2010	Certified copy
Ex.A8	--	Order copy in WA.No.13 of 2010 and M.P.(MD) NO.1/2010 and W.P.(MD) NO.14075/2009	Certified copy
Ex.A9	--	Order copy in WP.(MD)No.5959 of 2010	Certified copy
Ex.A10	--	Encumbrance certificate	Original
Ex.A11	10.12.2012	Sale deed	Certified copy
Ex.A12	10.12.2012	Sale deed	Certified copy

3. Defendants side witnesses

DW-1 – Vani shri

4. Defendants side exhibits:

Ex.B1	--	Order copy in CMA.No.25/2009	Certified Copy
Ex.B2	--	Judgment copy in O.S.No.166/2009	Certified Copy
Ex.B3	--	Judgment copy in A.S.No.49/2015 and A.S.No.50/2015	Certified Copy
Ex.B4	30.07.1938	Sale Deed	True Copy
Ex.B5	--	Death Certificate	PhotoCopy
Ex.B6	--	Legal heirs certificate	True Copy
Ex.B7	02.02.2009	General Power of Attorney Deed	True Copy
Ex.B8	04.12.2009	Proceedings of the District Revenue Officer	True Copy
Ex.B9	--	Patta, Chitta, Adangal	True Copy
Ex.B10	--	Town Survey Land Register Extract	Computer output copy
Ex.B11	--	Encumbrance Certificate	Photocopy
Ex.B12	--	F.I.R Copy	Photocopy
Ex.B13	--	Judgment copy in O.S.No.16/2010	Web Copy
Ex.B14	--	Order copy in Crl.O.P.MD.No.1359/2021	Certified copy
Ex.B15	--	Order copy in Crl. No(s).9533/2023	Certified copy

Ex.B16	19.06.2015	Will	Certified copy
Ex.B17	25.11.2024	Cancellation of Sale Deed	Certified copy
Ex.B18	25.11.2024	Cancellation of Sale Deed	Certified copy
Ex.B19	--	Complaint	Office Copy
Ex.B20	--	Summon (issued by inspector of Police, Kodaikanal.)	Photocopy
Ex.B21	14.07.2023	Encumbrance Certificate	Photocopy
Ex.B22	--	Property tax Receipts	Original
Ex.B23	25.11.2024	Property tax Receipt	Computer output copy
Ex.B24	--	Electricity Charge Receipt	Computer out put copy
Ex.B25	--	Death Certificate	Computer out put copy
Ex.B26	-	Photograph	--

Court witnesses: Nil

Court exhibits: Nil

**District Munsif cum Judicial Magistrate No.01,
Kodaikanal.**

District Munsif cum Judicial Magistrate No.I
Court, Kodaikanal

O.S. No. 66 of 2014

Fair/Draft Judgment

Dated: 24.04.2026