

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,  
NAGERCOIL.**

**Present : Selvi. V. Sivaranjani, B.A., L.L.B.,**

II Additional District Munsif, Nagercoil

Monday, on the 7<sup>th</sup> day of July, 2025.

I.A. No.5 of 2025 in O.S.. No.34 of 2023

**CNR No.TNKK04-000063-2013**

1. Sreeman Narayanaswamy Thirukovil,  
Vellaiyanthoppu,  
rep. by its President C. Retnasigamony
2. President C. Retnasigamony
3. Secretary R. Suyambulingam
4. Treasurer C. Murugesan ... Petitioners / Plaintiffs

-vs-

1. Paul Nadar
2. Ramasamy
3. Tamil Selvi
4. Manimegalai
5. Geetha ...Respondents /Defendants

This petition came before this court on 04.07.2025 for a final hearing in the presence of Mr. S. Vijaya Raghavan, learned Counsel for the Petitioners / Plaintiffs and Mr. K. Subhakaravel, learned Counsel for the Respondents / Defendants and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner had filed under Order VII Rule 14 and Section 151 of the Code of Civil Procedure, seeking to permit the petitioners / plaintiffs to mark the documents fully described hereunder.

2. Gist of Averments in the Petitioner Petition :

The Petitioner is the 2<sup>nd</sup> plaintiff in the suit. The petitioner was the President of the 1<sup>st</sup> plaintiff temple and as such petitioner was well aware with the facts and circumstances of the case and petitioner was filing this affidavit on behalf of the other plaintiffs also. The petitioner submit that petitioners have filed the above suit seeking for the reliefs of permanent injunction restraining the defendants, their men and agents from disturbing or otherwise interfering the peaceful possession and enjoyment of plaint schedule property belongs to the plaintiff's temple. The petitioner submit that there are 1000 peoples are living in the Vellayanthoppu Village and they are the followers of Ayyavazhi. The petitioner submit that from the year 1930 there was a temple installed in the name of Sreeman Narayanaswamy Kovil situated at Vellayanthoppu Village. It is submitted that there was another temple in the same name was established in the year 1950 towards the western side of the old temple. On 04.01.1981, the members / tax payers of the said two temples joined together and formed a trust

for the purpose of uniting the village people, to perform the temple festivals, to perform pooja and to perform development works in the village in a democratic manner. Consequently, a new temple was constructed in the campus after demolishing the old two temples. It is submitted that the male persons above 18 years are the tax payers and as of now there are 300 members tax payers to the plaintiff temple. The petitioner further submit that the plaintiff schedule property herein is situated on the south side of the 1<sup>st</sup> Plaintiff temple. The plaintiffs submit that one Mrs. Ramu Nadachi, W/o. Late. Ponnusamy Nadar was the owner of the property of land measuring to an extent of 24.1/2 cents comprised in Survey No.562/7 situated at Kottaram West Village, Agasteeswaram Taluk Kanyakumari District. It is submitted that in the year 1974 there was a partition deed executed among he said Ramu Nadachi and her two daughters namely, Nadachi Thangam, Thangammai @ Nesapandia Nadachi in respect of the said 24.1/2 cents and other properties vide Partition deed dated 31.05.1974 registered as Doc.No.2915 of 1974. By way of the above Partition deed the land measuring to an extent of 12.1/2 cents on western side was allotted to Nadachi Thangam and the land measuring to an extent of 12.1/4 cents on eastern side was allotted to Thangammai @ Nesapandia Nadachi.

3. The petitioner submit that the said Thangammai @ Nesapandia Nadachi got married in the year 1974 and in a few month her husband deserted her for the reasons not known to the plaintiffs herein. Thereafter her mother

Mrs. Ramu Nadachi took care of her daughter Thangammal. During the year 1981, the said Mrs. Ramu Nadachi and her daughter Thangammai @ Nesapandia Nadachi offer to sell the schedule property of 12.1/4 cents to the 1<sup>st</sup> Plaintiff temple for meeting out their family expenditure. It is further submitted that by agreeing the said offer the 1<sup>st</sup> plaintiff temple authorities had paid a total sale consideration of Rs.6,000/- on 27.01.1981 and Thangammai @ Nesapandia Nadachi had issued a cash receipt for the same. Further she had given the copy of Doc.No.2915 of 1974 and handed over the possession of the plaintiff schedule property to the 1<sup>st</sup> plaintiff temple on the same day but before executing the sale deed Mrs. Ramu Nadachi was missing and her whereabouts not known to anyone. Thangammai @ Nesapandia Nadachi was not well and her mother also missing, in that situation the said Thangammal @ Nesapandia Nadachi sought sometime to execute the sale deed. As there was no other go the then plaintiff temple authorities kept silent for some time.

4. The petitioner further submit that thereafter to the shock and dismay the said Thangammai @ Nesapandia Nadachi was suffered from some mental illness. When it was came to the knowledge of the plaintiffs, the then plaintiff temple authorities approached her family members and for that they have admitted the receipt of the sale consideration and they have also given assurance that they will not disturb the possession of the plaintiff's temple in the schedule property. Hence, in that circumstances the plaintiffs are not able to

proceed further and the execution of sale deed kept in abeyance. The plaintiffs further submit that based on the assurance and undertaking given by her family members the 1<sup>st</sup> plaintiff temple authorities had left the issue as unsettled for the time being. The petitioner submit that as Mrs. Ramu Nadachi was missing for the past 40 years (i.e. more than 7 years she was missing) and her whereabouts not found by anyone till date. In such circumstances of Mrs. Ramu Nadachi has not been heard of for seven years by the defendants herein, who would naturally have heard of her if she had been alive, she is to be presumed to be dead. Further, in the year 07.12.2015, Thangammai @ Nesapandia Nadachi also died without any issues and further no one claim as legal guardian.

5. The petitioner further submit that the 1<sup>st</sup> plaintiff temple has the absolute, peaceful and uninterrupted possession of the plaint schedule property for the past 43 years. Further, the plaintiff temple authorities are not known about the legal heirs / legal guardian of said Thangammai & Nesapandiam Nadachi and when it is come to the knowledge of the plaintiffs, they are ready to approach them and get the sale deed execute in favour of plaintiff temple. Hence, the plaintiffs' reserves right to claim to execute sale deed in favour of plaintiff's temple in respect of schedule property. The petitioner further submit that another daughter of Mrs. Ramu Nadachi namely Mrs. Nadachi Thangam also died. The 1<sup>st</sup> defendant herein is the husband of said late. Nadachi Thangam and the defendants 2 to 5 herein are the son and daughters to her. Now, the

defendants herein disturbed the peaceful possession of the plaintiff's temple in the plaint schedule property. Apart from that the entire property is laying as a single plot and it is in the possession of the plaintiff's temple. The petitioner submit that the plaint schedule property is in absolute and uninterrupted possession of the 1<sup>st</sup> plaintiff temple from the year 1981 till date. The schedule property is used by the temple for providing Anna thangam and conducting sports for the children and conducting cultural programs. Now, it is came to know that the defendants who are the legal heirs of Ramu Nadachi had mutated the revenue records in their name by suppressing the above facts and attempted to create encumbrance to the schedule property. The petitioner submit that during Pongal festival while conducting sports program for the children the defendants and his men creating nuisance and disturbances to conduct the sports activities and caused damage to the plaintiff temple. When the Plaintiff's management asked about the disturbances, the defendants and his persons scolded in filthy language and threaten the plaintiff. Now, the defendants attempted to sell the schedule property by creating forged documents and thereby attempted to create encumbrance to the schedule property.

6. The petitioner further submit that all the illegal attempts of the defendants are thwarted by the plaintiffs in a timely intervention but the defendants continuously causing disturbance to the plaintiff's possession of the plaint schedule property. It is also pertinent to point out that the plaintiffs

reasonably apprehend that the defendants may disturb the peaceful possession of plaintiff schedule property. The petitioner submit that in such circumstances the plaintiffs having left with no other remedy approached this court for injunction. The present suit is being filed to protect the interest of the plaintiffs. The plaintiffs have made a prima facie case and the balance of convenience is in favour of the plaintiffs. When such be the circumstances, in order to substantiate the plaintiffs claim in the suit, filed umty number of six documents and the defendants also filed frivolous and false complaint before the Revenue Divisional Officer, Nagercoil and upon the Revenue Divisional Officer also rendered decision. Apart from that the plaintiffs traced it out the CD which is also highly required to ascertain the plaintiff schedule property and other documents required to be submitted are also traced it out by untiring effort and those documents fully and elaborately stated hereunder are required to mark on our side apart from the documents filed along with the plaint. It s also submitted that the 2<sup>nd</sup> daughter Nesa Pandia Nadachi, Her husband is one Chelladurai and the said Chelladurai died on 10.01.2025 leaving behind his sons and daughters and the property scheduled hereunder is also inherited by the legal heirs of Chelladurai and in order to prove that the death certificate and the legal heir certificate are highly necessary to exhibit on the plaintiffs side and those documents are also scheduled under. It is also humbly submit that if the documents stated hereunder are not permitted to receive and mark on our side

much inconvenience and damage will occur to the petitioners / plaintiffs. Hence, the petition is to be allowed.

7) Gist of the Averments in the Respondents / defendants Counter:

The 2<sup>nd</sup> Respondent / 2<sup>nd</sup> defendant had filed counter, and the same has been adopted by the 1 and 3 to 5 Respondents/ 1 and 3 to 5 defendants.

The Respondents / Defendants have filed counter stating that all the averments and allegations stated in the affidavit and petition are denied as false save those that are specifically admitted hereunder. As far as the averments stated in para 2 of the affidavit are concerned that though the plaintiff filed the suit for injunction in respect of the plaint schedule property, the plaint schedule property is not belongs to the plaintiff's temple. The plaint schedule property is absolutely belonged to one Nesapandia Nadachi who is only sister of Nadachi thangam. The said Nadachi thangam is the wife of 1<sup>st</sup> defendant herein and the mother of the defendants 2 to 5 in the suit. Hence after the death of the said Nadachithangam the defendants 1 to 5 have inherited the property and have been enjoying the same. Thus the plaint schedule property does not belong to the plaintiff's temple.

8) All the averments and allegations stated in para three of the affidavits are not correct and denied by the defendants. It is denied that the temple of Narayanaswamy installed in the year 1930. Actually, in the year 1930

the property has not been purchased by the varikarars of Vellayanthoppu oor and installed the temple. Actually the property where in the Narayanaswamy temple situated originally belonged to one Arukulamadan Nadar. After his death his two sons partitioned the property by excluding two cents of property wherein they consecrated the Narayanaswamy temple. Hence, the temple and two cents of property where in the temple is situated is a common property of sons of Arukulamadan Nadar namely, Ponnuswamy and Sivasubramanian. Rest of the averments of para three to be strictly proved by the petitioners.

9) All the averments and allegations stated in para 4 of the affidavit are not fully correct. It is denied that the wife of Ponnuswamy Nadar namely, Ramunadachi was the owner of the entire 24.1/2 cents of property is situated in resurvey number 562/7 of Kottaram west Village. Actually, the above said property originally belonged to the Ponnuswamy Nadar. After his death this property devolved upon his wife Ramanadachi and his two daughters namely Nadachithangam and Nadsapandia Nadachi. Rest of the portion of the affidavit in par 4 are admitted.

10) All the averments and allegations stated in para 5 of the affidavit are denied by the respondents as false. It is denied that in the hyear 1974 thge husband of Nesapandia Nadachi deserted her and her mother took care of her. Actually, due to some misunderstanding between the Nesapandia Natachi and

her husband they effected a divorce deed through the Nagercoil Sub Registry. Further, it is denied that in the year 1981 the said Nesapandia Nadachi along with her mother offered to sell a portion of plaint schedule property of 12.1/4 cents of property to the 1<sup>st</sup> plaintiff temple for meeting out family expenditure. Further, it is denied that by agreeing the said offer the 1<sup>st</sup> plaintiff temple authorities paid a total sale consideration of Rs.6,000/- on 27.01.1981 and Thangammal @ Nesapandia Nadachi had issued a tax receipt for the same and given a copy of document No.2915/1974 and husband over the possession of the plaint schedule property to the 1<sup>st</sup> plaintiff temple. Virtually the said Nesapandia Nadachi never offered to sell the property and received a sum of Rs.6,000/- and issued a receipt and hand and over the possession of the property to anybody else. These all are the imagination and illusion of the plaintiff. Further, it is denied that that the said Nesapandia Nadachi sought time to execute the sale deed in favour of the Plaintiff.

11) All the averments and allegations stated in para 6 of the affidavit are not corrected. It is denied that the then plaintiff temple authorities approached the family members of Nesapandia Nadachi and they have admitted the receipt of sale consideration and assured that they will not disturb the possession of the property. Virutally the family members never admitted the receipt of the sale consideration and assured that they will not disturb the possession of the property. Further the petitioner never entered into possession

of the property and enjoying the same at any point of time. Now, on 05.02.2023 the petitioner trespassed into the property and installed a unauthorized Anjanaiya status in the property. Now in order to remove the statue a case is pending before the court at Madurai Bench.

12) As far as the averments in para 7 of the affidavit are concerned that it is true that on 07.12.2015 Thangammai @ Nesapandia Nadachi died leaving behind the defendants in this case are as her legal heirs. Hence they are entitled to claim the property. All the averments and allegations stated in para 8 of the affidavit are denied as false. It is denied that past 43 years. The 1<sup>st</sup> plaintiff temple authorities are in uninterrupted possession of the plaint schedule property. It is also denied that the plaintiff authorities not know about the legal heirs of Nesapandia Nadachi and when they come to know they are ready to approach get sale deed from them. Actually, the 1<sup>st</sup> plaintiff temple authorities know well that the defendants are legal heirs of Nesapandia Nadachi. Hence, they filed this suit against the defendants.

13) All the averments and allegations stated in para 9 of the affidavit are not correct and denied by the respondents. It is denied that the respondents herein disturb the peaceful possession of the temple in the plaint schedule property. Actually the respondents has no necessity to disturb the possession of the plaint schedule property as the petitioners are not in possession and

enjoyment of the plaint schedule property except the are wherein they installed a small Anjanaya statue in the plaint schedule property. Further the act of installation of Anjaneya statue also challenged by the respondents before the Hon'ble High Court of Madras at Madurai Bench.

14) All the averments and allegations stated in para 10 of the affidavit are denied as false. It is denied that the plaint schedule property is in absolute uninterrupted possession of the 1<sup>st</sup> plaintiff temple in the year 1891 till date. Actually as stated supra except the area wherein the petitioner's forcibly installed the Anjaneya statue all other area are in the possession and enjoyment of the respondents. Further it is denied that the plaint schedule property is used to the temple for providing Annathangam and conducting the sports and cultural programmes. Further, it is denied the legal heirs of the Ramanadachi had mutated revenue records and attempted to create encumbrance.

15) All the averments and allegations stated in para 11 of the affidavit are denied as false. It is denied that during Pongal festival while conducting sports program of children the defendants are creating nuisance and disturbance to the same and cost damage to the temple. Further it is denied the defendants scolded in filthy language and threatened the plaintiff. Further, it is denied that now the defendant attempted to created documents and encumbrance to the plaint schedule property.

16) All the averments and allegations stated in para twelve of the petition denied as false. It is denied that the illegal attempts of the defendants are thwarted by the plaintiff in the timely intervention. Actually, the defendant's has no necessity to create any trouble to the petitioners as they are not in the possession of the plaint schedule property. The petitioners have no prima facie case balance of convenience is also in favour of the defendants. Hence, injunction cannot be granted against the real owner of the property. The documents sought to be received are irrelevant documents to this case. There is no connection between this case and the expired husband of the Nesapandiya Nadachi. Hence the death certificate and legal heirs certificate of Chelladurai are not relevant documents to determine this case. Further, in order to make confusion the petitioners produce the documents before this court. Hence, to accept the counter and dismissed the petition.

17. The point for consideration is whether the above petition has to be allowed or not?

18. Point:

Heard both sides. Records perused. This suit is for Permanent injunction. This petition has been filed by the Petitioners / Plaintiffs, while the original suit has been adjourned for PW1 Chief continuation. The documents sought to be produced are the death certificate and legal heir certificate of Chelladurai, who

is the son-in-law of Nesa Pandia Nadachi, who is the 2<sup>nd</sup> daughter of Mr.\_Ponnuswamy Nadar. The fact whether the above said two documents are literally in connection with the above suit would be decided in the trial. As such, to give an oppoortunity to the petitioners to rely upon those documents subject to proof and relevancy, this court is of the considered view to allow this petition on conditional cost.

As a result,

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 14.07.2025. otherwise, this petition would be dismissed. Call on 14.07.2025.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 7<sup>th</sup> day of July, 2025.

II Additional District Munsif  
Nagercoil.

List of witness and documents for Petitioners side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif  
Nagercoil.

*II ADM, Nagercoil.  
Draft/Fair Order  
I.A.No.5/2025 in  
O.S.No.34/2023  
Date: 07.07.2025.*

