

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,  
NAGERCOIL**

**Present: Tmt. K. Chithra, B.A., B.L., (Hons)**

**I Additional District Munsif,(FAC) Nagercoil.**

Wednesday, on the 11<sup>th</sup> day of March, 2026.

**O.S.No. 348 of 2015**

**(CNR No: TNKK04-000550-2015)**

1. T. Chithambaravadivoo W/o. Late K. Murugesu Pillai, aged 74 Hindu lady, residing at 2/105, Theroor South Theroor – 629 704, Kanyakumari District (DIED)

Addl.P2. M. Gopi S/o. Murugesu Pillai, aged 56 years, business, residing at Door No.2/105, Anantha Bhavan, Theroor South, Theroor Village, Agastheeswaram Taluk, Kanyakumari District.

(Addl.P2 is impleaded as per orders in I.A.No.352/2017 dated : 05.08.2019 and amendment carried out as per order in I.A.No. 1/2019 dated : 19.12.2019.)

... Plaintiffs

-vs-

1. B. Pitchai Pillai S/o. Bagavathiperumal Pillai, aged 82, Hindu, residing at Opposite to Cooperative Bank, Theroor South, Theroor – 629 704, Kanyakumari District.
2. P. Chellappa Pillai S/o. B. Pitchai Pillai, aged 43, Hindu, residing at Opp. to Cooperative Bank, Theroor South, Theroor – 629704, Kanyakumari District.

Addl.3. Velammal W/o. Pitchai Pillai, aged 83 years residing at Door No.2-104, Old No.2-72, Thekkoor, Theroor, Theroor Village, Agastheeswaram Taluk, Kanyakumari District – 629 704.

Addl.4. Bagavathy Perumal S/o. Pitchai Pillai, aged 63 years, residing at Door No.2-77-1, Thekkoor, Theroor, Theroor Village, Agasteeswaram Taluk, Kanyakumari District – 629 704.

Addl.5. Subramania Pillai S/o. Pitchai Pillai, aged 57 years, residing at Door No. 2-104-1 Thekkoor, Theroor, Theroor Village, Agasteeswaram Taluk, Kanyakumari District – 629 704.

Addl.6. Meenakshi W/o. Ganesan, aged 53 years residing at Door No. 9-1, Old No. 9-2 Marungoor, Marungoor Village, Agasteeswaram Taluk, Kanyakumari District.

Addl.7. Nagarajan S/o. Pitchai Pillai, aged 46 years residing at New No.2-104, Old No.2-72 Thekkoor, Theroor, Theroor Village, Agasteeswaram Taluk, Kanyakumari District.

(Addl. D3 to 7 are Impleaded as per orders in I.A.No.4/2020 dated 26.04.2020 and amendment carried out as per order in I.A.8/2024 dated 18.09.2024)

... Defendants

Suit presented on ... 30.10.2015

Suit filed on ... 30.10.2015

This suit was filed for the relief of i. Permanent injunction restraining the defendants, their men, agents, representatives, assignees claiming under or through them from disturbing the peaceful, convenient enjoyment of the Plaintiffs, their men, agent, representatives and assignees through the plaint 'A' schedule property for ingress and egress to the Plaintiff's property available on the east of the plaint 'A' schedule property and ii. Mandatory injunction directing the defendants to close

down the opening put up by them on the southern wall of the 'B' Schedule property within a stipulated time as fixed by this court, failing which the plaintiff be allowed to close down the opening at the cost of the defendants and iii. Mandatory injunction directing to remove the slab, subshade put up in the southern wall and western wall of the B schedule property and further the western side building available on the encroached portion of the common pathway on the western side of the defendant's property within a stipulated time fixed by this court, failing which the plaintiff be allowed to remove the slab, subshade and the building on the western side at the cost of the defendants.

Cause of action for the suit arose on 07.10.2015, 23.10.2015, 14.11.2015 arose at Theroor Village within the jurisdiction of this court.

For the purpose of court fees and jurisdiction this suit is valued at Rs.3,000/- based on the reliefs sought in the plaint. A relief is valued at Rs.1000/- being a decree for permanent injunction and a court fee of Rs. 75.50 is paid under Section 27(c) of the Tamil Nadu Court Fees Suit Valuation Act and 'B' relief is for mandatory injunction to close down the opening on the southern wall of the defendant building, it is valued at Rs.1000/- and a court fee of Rs.75.50 is paid under section 27(c) of the Tamil Nadu Court Fees and suit valuation Act as amended by Act 17 of 2003. C relief for mandatory injunction and it is valued at Rs.1000/- and a

court fee of Rs.75.50 is paid under section 27(c) of the Tamil Nadu Court Fees and suit valuation Act. Thus a total court fee of Rs.226.50 is paid under Tamil Nadu Court Fees and suit valuation Act.

(Amended as per Order in I.A.No.7/2016 dated 22.10.2025)

This Suit came up before me on 02.03.2026 for a final hearing in the presence of Mr.S.Subramaniam, Advocate for the Plaintiffs and Mr.T.Sriram, Advocate for the 1<sup>st</sup> to 6<sup>th</sup> Defendants, and 7<sup>th</sup> Defendants being exparte and upon hearing the Plaintiffs side arguments, and defendants side arguments and upon perusing the available case records and having stood over for consideration till this day, this Court doth decree as follows,

**DECREE**

1. that the suit be and hereby is dismissed
2. that the Plaintiff is directed to pay a sum of

Rs.770.00/- towards the costs of the 2<sup>nd</sup> to 6<sup>th</sup> Defendants

Given under my hand, and seal of this court, this the 11<sup>th</sup> day of March, 2026.

Sd/-(K. Chithra)

I Additional District Munsif (FAC),

Nagercoil.

**Plaintiffs and Defendants side cost memo Particulars:**

	<b>Plaintiff side</b>	<b>2<sup>nd</sup> to 6<sup>th</sup> Defendant side</b>
	<b>Rs.</b>	<b>Rs.</b>
1. Vakalath	10.00	10.00
2. Court fees	226.50	-
3. Process fees	280.00	-
4. Petition fees	100.00	10.00
5. Advocate fees	<u>750.00</u>	<u>750.00</u>
Total	<u>1,366.50</u>	<u>770.00</u>

*(Cost memo filed by the Plaintiffs. Cost is not allowed)*

*(Cost memo filed by the Defendants. Cost is allowed)*

**SCHEDULE OF PROPERTY****PLAINT A SCHEDULE OF PROPERTY**

District	:	Kanyakumari
Reg. District	:	Kanyakumari
Sub District	:	Edalakudy
Taluk	:	Agasteeswaram
Village	:	Theroor
Sy.No.	:	1084/1B2
Old Sy.No.	:	1610/451A

**Description of property:**

A common pathway running from west to east to a length of approximately 30 ft. and 4ft. Wide north to south comprised in resurvey No.1084/1B2.

**Boundaries:**

East	:	Plaintiff's Property (Murugesu Pillai)
West	:	4ft. Wide pathway
North	:	Pitchaipillai property (1 <sup>st</sup> defendant)
South	:	Essakimadanpillai property

**PLAINT B SCHEDULE OF PROPERTY**

District	:	Kanyakumari
Reg.District	:	Kanyakumari
Sub District	:	Edalakudy
Taluk	:	Agasteeswaram
Village	:	Theroor
Sy.No.	:	1084/1B2
Old Sy. No.	:	1610/451A

**Description of property:**

About 460 sq.feet of land with electrified building comprised in old Survey number 1610/451A Resurvey number 1084/1B2.

**Boundaries:**

East	:	Plaintiffs property (Murugesu Pillai)
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West : 4ft. Wide common pathway  
North : 4ft. Wide common pathway  
South : 4ft. Wide common pathway

Sd/-  
D.C

Sd/-  
H.C

Sd/-(K. Chithra)  
IADM(FAC)

I ADM, Nagercoil  
Decree in

