

In the Court of the Additional District Munsif, Padmanabhapuram

Present: Thiru. R.Karthikeyan, B.A.,B.L., (Hons)

Additional District Munsif.(Full Additional Charge)

Tuesday, the 7th day of January 2025.

Original Suit No. O.S.44/2018

CNR.No.TNKK08-000065-2018.

N. Raji, son of Nadankan, Hindu, aged 45 years, residing at Varavoovilai, Appicode, Tholayavattam Post, Killiyoor Village, Vilavancode Taluk, Kanyakumari District. ..Plaintiff

/Vs./

1. N.Radhakumari, wife of Soman, Hindu, aged 41 years, residing at Vaz havilai Veedu, Vadakkankarai, Vizhunthayampalam Post, Keezhkulam Village, Vilavancode Taluk, Kanyakumari District.

2. S. Ramaswamy, son of Chottaiyan, Hindu, aged 86 years, residing at Kumari Nagar, Podukalvilaiveedu, Kunchacode, Vizhumthayampalam Post, Keezhkulam Village, Vilavancode Taluk, Kanyakumari District.

Addl. D3.R.Selvi, wife of Stainslas, age not known, residing at Valiaaayyappan Kattuvilai, Chentharai, Keezhkulam Post, Keezhkulam Village, Killiyoor Taluk, Kanyakumari District.

Addl.D4. R. Sworna Bai, wife of Jeyaseelan, age not known residing at Podukalvilai, Vizhumthayampalam Post, Keezhkulam Village, Killiyoor Taluk, Kanyakumari District.

Addl.D5. R.Rose Mary, wife of Selvan, aged not known residing at Kumoottuvilai, Nelveli, Mulankuzhi Post, Nalloor Village, Killiyoor Taluk, Kanyakumari District.

Addl.D6. R. Kalarani, wife of Dhas, aged not known residing at Podukalvilai, Vizhunthayambalam Post, Keezhkulam Village, Killiyoor Taluk, Kanyakumari District.

Addl.D7. R.Selvan, son of Late.Nadankan, aged not known, residing at Ananchiveetuvilai, Vizhunthayambalam Post, Keezhkulam Village, Killiyoor Taluk, Kanyakumari District.

(Addl. Defendants 3 to 7 impleaded as per order in I.A.No.3 of 2022, dated:22.09.2022)

..Defendants

A) Decree to declare the sale deed executed by the 2nd defendant in favour of the 1st defendant registered as Document No.459 of 2017 dated 21.02.2017 before the S.R.O.Munchirai as null and void, birds the Addl. Defendants 3 to 7.

B) Decree to declare that the plaint 'B' schedule property is the absolute property of the plaintiff and for recovery of possession over the same from the 1st defendant.

C) Decree for realization of all cost of the suit also be granted.

D) Such other relief which this Hon'ble Court deem fit and proper in the nature and circumstance of the suit be granted in favour of the plaintiff.

Date of Presentation : 09.02.2018

Date of filing : 26.03.2018

Cause of Action for the suit arose on 15.02.2017 being the date on which the plaintiff's father executed a settlement deed infavour of the plaintiff registered a Document No.347 of 2017 in the year 2015 the plaintiff renovated the old tiled house with hollow bricks over asbestos sheets, on 15.03.2017 the date on which the plaintiff got information from the 1st defendant about the right over the property, on 07.04.2017 being the date on which the plaintiff applied and obtained certified copy and got knowledge of the date of execution of sale deed dated 21.02.2007 vide document No.459 of 2007 executed by the 2nd defendant infavour of the 1st defendant and all subsequent dates and events which arose at Keezhkulam Village, Vilavancode Taluk, Kanyakumari District and the

plaint 'A' schedule property is situated within the jurisdiction of this Hon'ble Court.

For the purpose of court fees and jurisdiction the (I) 'A' relief of declaration, declaring the sale deed executed by the 2nd defendant infavour of 1st defendant as null and void. Since the plaintiff is not a party to the document 'A' relief is valued at Rs.5,000/- (Rupees Five Thousand) and court fee of 150.50 is paid under section 25(d) of the Tamil Nadu Court fee and Suit Valuation Act 1955 (ii) 'B' relief of declaration and for recovery of possession the suit is valued at Rs.37,560/- (Rupees Thirty Seven Thousand and Five Hundred and Sixty only) and a court fees of Rs.1127/- is paid under section 25 (a) of the Tamil Nadu Court fees and Suit Valuation Act 17 of 2003. Total Court fee of Rs.1277.50 is paid.

This suit is coming before me for final hearing in the presence of Mr.C.S.Lenin, learned counsel for the Plaintiff, and of Mrs. M.P.Prabha, learned counsel for the D1 and D2 Dismissed and D3 to D7 called absent set exparte. Upon perusal of records stood over for consideration till this day, this court doth order and decreed as follows.

DECREE

1. that the suit be and here by is dismissed for default.
2. and that there be no order as to costs.

Given under my hand and the seal of this court this the 07th day of January 2025.

Sd/-

Additional District Munsif,(FAC)
Padmanabhapuram.

SCHEDULE OF PROPERTIES

'A' SCHEDULE

District	:	Kanyakumari
Regn.District	:	Marthandam
Sub District	:	Munchirai
Taluk	:	Vilavancode
Village	:	Keezhkulam
Re.Sy.No.	:	108/5
Extent	:	7.5 cents of property

Description of the Property:

Landed property with coconut trees and banana cultivation with house bearing Door No.5/147 of Keezhkulam Town Panchayat.

Boundaries:

East	:	Property of Kunamoni
West	:	Property of Moni
North	:	Property of Kunamoni
South	:	Property of Jothi Nadar

'B' SCHEDULE

District	:	Kanyakumari
Regn.District	:	Marthandam
Sub District	:	Munchirai
Taluk	:	Vilavancode
Village	:	Keezhkulam
Re.Sy.No.	:	108/5
Extent	:	3.750 cents of property

Description of the Property:

Hollow bricked house bearing No:5/147 assessed to Keezhkulam Town Panchayat.

Boundaries:

East	:	Property of Raj (Plaintiff)
West	:	Property of Palaiyan
North	:	Property of Sulochana
South	:	Property of Jothi Nadar

D.C.

H.C.

A.D.M (FAC)