

IN THE COURT OF SUBORDINATE JUDGE, ERANIEL.

**Present : Tmt. D. Asha Kousalya Shanthini, B.Sc., B.L.,
Subordinate Judge, Eraniel.**

Monday the 15th day of July, 2024

O.S.No.17/2022

S. Rajakumar, aged 44 years, S/o. Late. P. Swamikan, Christian, residing in House No.2/16, Chevidanvilai, Lekshmipuram post, Mondaicadu village, Kalkulam Taluk, Kanyakumari District.

... Plaintiff

.Vs.

1. B. Lekshmi Bai, aged about 69 years, W/o. Late. P. Swamikan, Hindu, residing in House No.2/16, Chevidanvilai, Lekshmipuram post, Mondaicadu village, Kalkulam Taluk, Kanyakumari District.

2. S. Ramani Bai, aged about 37 years, W/o. Thaneshkumar, Hindu, residing at Pillayar Kovil, Manavalakurichy post, Manavalakurichy village, Kalkulam Taluk, Kanyakumari District.

... Defendants

Suit for Declaration that the execution of the Settlement Deed, dated 07.10.2005 and registration of the same before the Manavalakurichy Sub Registrar as Document No.1616 of 2005, execution of the Settlement Deed dated 07.10.2005 and Document No.1615 of 2007, execution of the Settlement Deed dated 24.08.2007 and Document No.1540 of 2007, execution of the Settlement Deed dated 27.04.2005 and registration of the same before the Colachel Sub Registrar as Document No.614 of 2005 and execution of the Settlement deed dated 27.04.2005 as Document No.615 of 2005, partition and permanent injunction may be passed prohibiting the defendants, their men, agents, servants, descendants and successors from causing any disturbances or

interferences to the plaintiff's possession and enjoyment over the plaint schedule properties till the partition and allotment of separate possession of plaintiff's 1/3 share over the plaint schedule properties and costs of the suit.

The plaint 'A' relief of declaration is valued at Rs.1,000/- under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act, 2003 and Court Fee of Rs.75.50 p.s. and 'B' relief of declaration is valued at Rs.1,000/- under Section 25(d) of the Tamil Nadu Court Fees and suits Valuation Act, 2003 and Court Fee of Rs.75.50 p.s. and 'C' relief of declaration is valued at Rs.1,000/- under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act, 2003 and Court Fee of Rs.75.50 p.s. and 'D' relief of declaration is valued at Rs.1,000/- under Section 25(d) of the Tamil Nadu Court Fees and suits Valuation Act, 2003 and Court Fee of Rs.75.50 p.s. and 'E' relief of declaration is valued at Rs.1,000/- under Section 25(d) of the Tamil Nadu Court Fees and Suits Valuation Act, 2003 and Court Fee of Rs.75.50 p.s. and 'F' relief of partition and allotment of separate possession of the plaintiff's 1/3 share over the suit properties is valued at Rs.5,00,000/- being the value of the plaintiff's 1/3 share over the suit properties, under Section 37(2) of the Tamil Nadu Court Fees and suits Valuation Act, 2003 and Court Fee of Rs.750/- and 'G' relief of injunction is notionally valued at Rs.1,000/- under Section 27(c) of the Tamil Nadu Court Fees suits Valuation Act, 2003 and Court Fee of Rs.75.50/- p.s.

Cause of action arose on 27.02.2011, 27.04.2005, 07.10.2005, 24.08.2007, 06.02.2015, 10.04.2015 and on 12.04.2015 those arose at Mondaicadu and Lekshmipuram village which is within the jurisdiction of this court.

Plaint presented on	: 17.04.2015(PSC)
Plaint last represented on	: 05.06.2015 (PSC)
Plaint filed on	: 09.07.2015 (PSC)

Plaint renumbered on : 23.02.2022 (ESC)

This suit coming up for final hearing before me on this day and the plaintiff having been called absent, Since there is no representation for plaintiff though Thiru J. John Jayakumar, Advocate is on record for plaintiff and Thiru. C. Selvakumar, Advocate is on record for defendants and 2nd defendant present and 1st defendant having remained ex parte, this court doth order and decree.

1. that the suit be and the same is hereby dismissed for default.
2. that there be no costs.

Particulars of costs

Plaintiff Side	Amount	Defendant's side	Amount
	-Nil-		-Nil-
Cost not allowed. Memo not filed.		Cost not allowed. Memo not filed.	

PLAINT 'A' SCHEDULE PROPERTY

District - Kanyakumari
Registration District - Kanyakumari
Sub-District - Manavalakurichy
Taluk - Kalkulam
Old Village - Manavalakurichy
Village - Mondaicadu Village
Re-Survey No - 212/5, 6
Old Survey No - 4862A, 4862B
Area - 15 cents

Description of Property:

சர்வே எண் 212/5-ல் அடங்கிய 8.5 ஏர் நிலத்தில் மேற்கு பகுதியான 11 1/2 சென்ட் நிலமும் சர்வே எண் 212/6-ல் அடங்கிய 19.5 ஏர் நிலமும் கைவசப்படியும், முன்பத்திரப்படியும் 61 சென்ட் நிலம் இருப்பது அதில் கிழக்கு பகுதியான 3 1/2 சென்ட் நிலமும் சோர்த்து 15 சென்ட் நிலம் ஆகும்.

Boundaries:

North	-	Channel Karai
East	-	By property belongs to Valsala
South	-	Property of Rajakumar
West	-	Property of the Plaintiff and the defendants

Item No.2

District	-	Kanyakumari
Registration District	-	Kanyakumari
Sub-District	-	Manavalakurichy
Taluk	-	Kalkulam
Old Village	-	Manavalakurichy
Village	-	Mondaicadu
Re-Survey No	-	212/6
Old Survey No	-	4862B
Area	-	57.500 cents

Description of Property:

சர்வே எண் 212/6-ல் அடங்கிய 19.5 ஏர் கைவசப்படி 61 சென்று உள்ளதில் கிழக்கு பகுதியான 3 1/2 சென்ட் நிலம் நீக்கி மீதமுள்ள கீழ்க்கறிப்பிடும் எல்லைக்கு உட்பட்ட 57.500 சென்ட் நிலமும் அதில்

அமைந்துள்ள மண்டைக்காடு சிறப்பு பேரூராட்சி கதவு எண் 2-9 (புதிய எண் 2-16) வீடும் ஆகும்.

Boundaries:

North	-	By Channel Karai
East	-	By property belongs to Plaintiff and the defendants
South	-	By Property belongs to Rajakumar
West	-	By Property belongs to Plaintiff and the defendants

Item No.3

District	-	Kanyakumari
Registration District	-	Kanyakumari
Sub-District	-	Colachel
Taluk	-	Kalkulam
Village	-	Lekshmipuram
Re-Survey No	-	623/3
Old Survey No	-	2122A, B
Area	-	30 cents

Description of Property:

சர்வே எண்.623/3-ல் அடங்கிய 27 ஏர் (65 1/4 சென்ட்) நிலத்தில் மேற்கு பகுதியான கீழ்க்குறிப்பிடும் எல்லைக்குள் அடங்கிய 30 சென்ட் நிலம்.

Boundaries:

North	-	By Property belongs to Rajayan
East	-	By property belongs to Ramani Bai
South	-	Channel Karai
West	-	Property belongs to Pazhaniyandi Pillai

Item No.4

District	-	Kanyakumari
Registration District	-	Kanyakumari
Sub-District	-	Colachel
Taluk	-	Kalkulam
Village	-	Lekshmipuram
Re-Survey No	-	623/3
Old Survey No	-	2122A, B
Area	-	35 1/4 cents

Description of Property:

சர்வே எண்.623/3-ல் அடங்கிய 27 ஏர் (65 1/4 சென்ட்) நிலத்தில் கிழக்கு பகுதியான கீழ்க்குறிப்பிடும் எல்லைக்குள் அடங்கிய 35 1/4 சென்ட் நிலம்.

Boundaries:

North	-	By Property belongs to Rajayan
East	-	By property belongs to John and Therasal
South	-	Channel Karai
West	-	By Property belongs to Krishnakumar and Ramani Bai.

Given under my hand and seal of this court this the 15th day of July, 2024.

Sd/-
D.C.

Sd/-
Shr.

Sd/-
Subordinate Judge,
Eraniel.