

IN THE COURT OF SUBORDINATE JUDGE, ERANIEL.

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

Wednesday the 6th day of November, 2024

O.S.No.55/2024

CNR.No.TNKK15-000541-2024

1. A. Pushparaj, S/o. Anthony Muthu, Christian Nadar, aged 62 years, Construction works, residing at South Alanvilai, Karankadu post, Kurunthencode village, Kalkulam Taluk, Kanyakumari District.

2. S. Vijayakumari, W/o. A.Pushparaj, Christian Nadar, aged 48 years, Home Maker & Social worker, residing at South Alanvilai, Karankadu post, Kurunthencode village, Kalkulam Taluk, Kanyakumari District.

... Plaintiffs

.Vs.

1. M. Thomas Mathiyas, son of Maria Gnanaprakasam Nadar, aged 47 years, Christian Nadar, Physical Education Teacher, residing at Ambalathadivilagathu Puthenhouse, Alanvilai, Karankadu post, Kurunthencode village, Kalkulam Taluk, Kanyakumari District.

2. A. Vincent, son of Abraham, aged 67, Christian Nadar, Retired Government Employee, residing at south Alanvilai, Karankadu post, Kurunthencode village, Kalkulam Taluk, Kanyakumari District.

3. Kurunthencode Panchayat, rep. by its President or BDO of Kurunthencode Union, Kurunthencode & post, Kurunthencode village, Kalkulam Taluk, Kanyakumari District.

4. State of Tamilnadu, rep by District Collector, Kanyakumari District, Office at District Collectorate, K.P. Road, Nagercoil & village, Agastheeswaram Taluk, Kanyakumari District.

... Defendants

Suit for declaration of title and recovery of possession the Gift deed Nos.785/2013 and 984/2013 and may be partially or fully declared as null and void with reference to the plaint schedule property and Permanent injunction restraining the defendants and their men, agents, servants or power holders from annexing any portion of the plaint 'C' schedule property for forming to recover the cost of the suit.

The suit 'A' relief is valued for Rs.5,000/- each and for Rs.10,000/- and a court fee of Rs.300/- is paid U/S 25 (d) of the Tamil Nadu Court fee Act and 'B' relief is valued for Rs.92,300.00/- on the basis of the, alleged impugned title deeds and a Court fee of Rs.2,769/- is paid u/s.25(a) of the Tamil Nadu Court fee and suits valuation Act, 1955, and 'C' relief is valued for Rs.1000/- and a court fee of Rs.30/- is paid U/s.27(C) of the Tamil Nadu Court fee and suits valuation Act, 1955.

The Jurisdiction value of the suit is equal to the total valuation of the suit being Rs.1,03,300/-.

(Amendment carried out as per order in I.A.No.3/2022 dt.01.09.2022)

Cause of action arose on 22.02.2013, 08.03.2013, 25.11.2013, 02.09.2014, 15.12.2016 and on 20.12.2016 those arose at Kurunthencode village in Kalkulam Taluk which is within the jurisdiction of this court.

Plaint presented on	:	11.04.2017 (EDMC)
Plaint last presented on	:	23.08.2017 (EDMC)
Plaint filed on	:	29.08.2017 (EDMC)
Plaint renumbered on	:	23.08.2024 (ESC)

This suit coming up for final hearing on this day and the plaintiff having been called absent, since there is no representation for plaintiff though Thiru. A. Kanagasabapathi, Advocate is on record for plaintiffs and Thiru. P. John Xavier, Advocate is on record for 1st and 2nd defendants and Thiru.R. Augustin,

Government Pleader is on record for 3rd and 4th defendants, this court doth order an decree

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

Particulars of Cost

- Nil-

SCHEDULE OF PROPERTY

District	-	Kanniyakumari
Regn. District	-	Kanniyakumari
Sub District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kurunthencode
Sy.No.	-	138/3A
Extent	-	3.500 cents

Description of property:

An extent of 3.500 cents in Sy.No.138/3 now 138/3A comprised in Kurunthencode village, lying together as a single plot with B schedule property. The plaintiff's House bearing Door No.7-19 (New No.7-36) of Kurunthencode Panchayat is situated.

Boundaries

East	-	Property belongs to Pushparaj
South	-	Pathway for the plaint schedule
West	-	Property belongs to Pankiraj
North	-	Property belongs to Swaminathan

'B' Schedule Property – Item No.2:

District	-	Kanniyakumari
Regn. District	-	Kanniyakumari
Sub District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kurunthencode
Sy.No.	-	139/1
Extent	-	2.500 cents

Description

An extent of 2.500 cents in Sy.No.139/1 lying together with A schedule property.

Boundaries

East	-	Property belongs to Rajaiya House
South	-	Property belongs to Maria Gnanaprakasam
West	-	Property of Pankiraj & Pushparaj
North	-	Property of Swaminathan

'B' Schedule Property – Item No.3:

District	-	Kanniyakumari
Regn. District	-	Kanniyakumari
Sub District	-	Eraniel
Taluk	-	Kalkulam
Village	-	Kurunthencode
Sy.No.	-	139/1 & 138/3A
Extent	-	1.750 cents

Description

An extent of 1.750 cents land consists of 1.250 cents land in Re.Sy.No.139/1 and 0.500 cents in Sy.No.138/3A encroached and forcefully formed or extended pathway out of plaintiff property.

Boundaries

- East - Pathway & Property belongs to Rajaiya's House
- South - Properties belongs to Thomas Mathias & Vincent
- West - Pathway & Property belongs to Pankiraj
- North - Property belongs to Plaintiff's.

Given under my hand and seal of this court this the 6th day of November, 2024.

Sd/-
D.C.

Sd/-
Shr.

Sd/-
Subordinate Judge,
Eraniel.