

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

**Present: Thiru. S. Jothi Kailash, B.A., B.L.,
District Munsif, Eraniel.**

Tuesday, the 29th day of July 2025.

O.S.No. 47/2024

CNR.No.TNKK17-000060-2024

1. N. Rajan

2.V. Nakashatra (Minor)

3. V. Rudraaksh (Minor)

(Plaintiffs 2 and 3 are represented by
their next friend and paternal grand-father
the 1st plaintiff)

... Plaintiffs

-VS-

R. K. Neema

... Defendant

This Suit came up before me on 18.07.2025 for final hearing in the presence of Thiru.V. J. John Jayakumar, learned counsel for the Plaintiff and the Government Pleader for the 1st to 3rd defendants, and upon hearing the arguments of Plaintiff's counsel and upon perusing the case records and having stood over for consideration till this day, this Court hereby delivers the following:

JUDGEMENT

The Plaintiffs had filed under Section 26 and Order VII Rules 1 of CPC 1908 seeking a decree of permanent injunction prohibiting the defendant from making alienations or creating encumbrances upon the plaint schedule properties in respect of the 2/3 shares of the plaintiffs 2 and 3 without obtaining permission from the court of law.

1. SUMMATIVE OVERVIEW OF THE PLAINT :-

1.1) The 1st plaintiff is the paternal grand-father of the plaintiffs 2 and 3. The defendant is the daughter-in-law of the 1 plaintiff and mother of the plaintiffs 2 and 3. The plaintiffs and the defendant are Hindus, who are governed by the provisions of the Hindu Succession Act, 1956. The 1st plaintiff had a son, who was named R. Vijay. On 12-05-2014/ the 1st plaintiff's son R. Vijay married the defendant and their marriage was solemnized in accordance with Hindu customary rites and ceremonies at Neyyattinkara in Kerala State. After the marriage the defendant and the 1st plaintiff's son R. Vijay lived together as spouse and in the legal wedlock the defendant delivered the plaintiffs 2 and 3. The plaint schedule properties Item Nos. 1 to 3 originally belonged to the 1st plaintiff's wife K.Nagaretnam. She gave it to her son R. Vijay as settlements by execution and registration of three separate Settlement Deeds. The 1st plaintiff's wife K.Nagaretnam gave the Item No.1 of the plaint schedule properties to her son R.Vijay as a settlement by execution of a Settlement Deed, dated 28-11-2018,

and registration the same before the Sub-Registrar, Eraniel as Document No. 4888 of 2018.

1.2) The 1st plaintiff's wife K.Nagaretnam gave the Item No.2 of the plaint schedule properties to her son R. Vijay as a Settlement by execution of a Settlement Deed, dated 28-11-2018, and registration of the same before the Sub-Registrar, Eraniel as Document No.4889 of 2018. The 1st plaintiff's wife K.Nagaretnam gave the Item No.3 of the plaint schedule properties to her son R. Vijay as a settlement by execution of a Settlement Deed, dated 27-11-2018, and registration of the same before the Sub-Registrar, Eraniel as Document No.4890 of 2018. The 1st plaintiff's son R.Vijay has accepted the Settlements and became absolute owner of the plaint schedule properties. He has effected mutation, obtained patta and paid Kist to the Revenue authorities. The 1st plaintiff's wife K.Nagaretnam lived as a Hindu and died on 15-07-2020 leaving behind the 1st plaintiff and her only son R.Vijay as legal representatives. The 1st plaintiff's son R. Vijay lived as a Hindu and died as an intestate on 17-06-2021 leaving behind his wife the defendant, a daughter and a son, who are the plaintiff's 2 and 3, as legal representatives. By the death of R. Vijay the plaint schedule properties Item Nos.1 to 3 devolved upon the defendant, and the plaintiffs 2 and 3 under the provisions of the Hindu Succession Act, 1956.

1.3) The defendant and the plaintiffs 2 and 3 are entitled for equal shares over the plaint schedule properties Item Nos.1 to 3. The 1st plaintiff states that

he got information that the defendant has been making negotiations with strangers for making alienations and creating encumbrances upon the plaint schedule properties Item Nos.1 to 3. The defendant is not entitled to make alienations or creating encumbrances upon the plaint schedule properties in respect of the 2/3 shares of the plaintiffs 2 and 3 over the plaint schedule properties without obtaining permission from the Court. The defendant has not obtained permission from the Court for making alienations or creating encumbrances upon the plaint schedule properties Item Nos. 1 to 3 in respect of the 2/3 shares of the plaintiffs 2 and 3. The plaintiffs state that if the defendant makes alienations or creating encumbrances upon the plaint schedule properties Item Nos.1 to 3, it will cause great prejudice to the plaintiffs 2 and 3 and they will be put into substantial loss.

1.4) The 1st plaintiff is the next friend of the plaintiffs 2 and 3. The 1st plaintiff is the paternal grand-father of the plaintiffs 2 and 3. The 1st plaintiff has got every right to protect the interest of the minor plaintiffs 2 and 3. Hence the suit is necessitated. The plaint schedule properties Item Nos.1 to 3 were originally comprised in Eraniel Village. After sub-division of the Eraniel Village the plaint schedule properties Item Nos. 1 to 3 are comprised in Nullivilai 'A' Village. Hence, this suit.

2. POINTS FOR DETERMINATION :

Whether the plaintiff is entitled for the relief claimed for ?

3. DISCUSSION AND ANALYSIS :-

3.1) To prove the plaintiff case the 1st plaintiff examined himself as PW1 and exhibits EXA1 to EXA11 were marked as plaintiff side documents. PW1 deposes that he is the paternal grand-father of the plaintiffs 2 and 3. PW1 states that he filed the suit as the next friend of the plaintiffs 2 and 3 and PW1 has got every right to protect the interest of the minor plaintiffs 2 and 3. The defendant is the daughter-in-law of the PW1 and mother of the plaintiffs 2 and 3. The plaintiffs and the defendant are Hindus, who are governed by the provisions of the Hindu Succession Act, 1956. That, PW1 had a son, who was named R. Vijay and on 12-05- 2014 the said R. Vijay married the defendant and their marriage was solemnized in accordance with Hindu customary rites and ceremonies at Neyyattinkara in Kerala State. After the marriage the defendant and the PW1's son R. Vijay lived together as spouse and in the legal wedlock the defendant delivered the plaintiffs 2 and 3. The plaint schedule properties Item Nos. 1 to 3 originally belonged to the PW1's wife K.Nagaretnam. She gave it to her son R. Vijay as settlements by execution and registration of three separate Settlement Deeds with regard to item No. 1, 2 and 3 of the plaint schedule properties and to substantiate the above fact PW1 has filed all the settlement deeds in document No. 4888/2018, document No. 4889/2019, document no., 4890/2018 as Ex.A1, EXA2, ExA3 respectively.

3.2) PW1 further stated that his son R.Vijay has accepted the Settlements and became absolute owner of the plaint schedule properties and he has effected mutation, obtained patta and paid Kist to the Revenue authorities to substantiate this facts PW1 has marked the patta and the Kist receipts in the name of Vijay as Ex.A8 to Ex.A11. PW1's wife K.Nagaretnam lived as a Hindu and died on 15-07-2020 leaving behind the 1st plaintiff and her only son R.Vijay as legal representatives and the PW1 has marked the death certificate of K. Nagarathinam as Ex.A4 and legal heir certificate of his wife K. Nagarathinam as Ex.A6. PW1's son R. Vijay lived as a Hindu and died as an intestate on 17-06-2021 leaving behind his wife the defendant, a daughter and a son, who are the plaintiff's 2 and 3, as legal representatives and by the death of R. Vijay the plaint schedule properties Item Nos.1 to 3 devolved upon the defendant, and the plaintiff's 2 and 3 under the provisions of the Hindu Succession Act, 1956 and to substantiate the above fact PW1 has marked death certificate of Vijay as Ex.A5 and Legal heir certificate of Vijay as Ex.A7. The defendant and the plaintiff's 2 and 3 are entitled for equal shares over the plaint schedule properties Item Nos.1 to 3.

3.3) PW1 deposes that he got information that the defendant has been making negotiations with strangers for making alienation and creating encumbrances upon the plaint schedule properties Item Nos.1 to 3 and the defendant is not

entitled to make alienation or creating encumbrances upon the plaint schedule properties in respect of the 2/3 shares of the plaintiffs 2 and 3 over the plaint schedule properties without obtaining permission from the Court. The defendant has not obtained permission from the Court for making alienation or creating encumbrances upon the plaint schedule properties Item Nos. 1 to 3 in respect of the 2/3 shares of the plaintiffs 2 and 3. PW1 further stated that if the defendant makes alienation or creating encumbrances upon the plaint schedule properties Item Nos. 1 to 3, it will cause great prejudice to the plaintiffs 2 and 3 and they will be put into substantial loss.

3.4). From light of the above discussion this court is of view that the plaintiff proves that the item no. 1, 2 and 3 of the plaint schedule property belongs to the deceased Vijay and the 2nd, 3rd plaintiffs and the defendant are the legal heirs of the deceased Vijay and that the defendant is trying to alienate the plaint schedule properties. Since, the plaintiff 2 and 3 are minors it is necessary to protect the interest of the minor plaintiffs 2 and 3 over the plaint schedule property and this court has bound and duty to protect the interest of the minor plaintiffs 2 and 3. Further the defendant does not appear and denied the contents of the plaintiff's claim, the plaintiff's claim left undisputed and un rebutted and the plaintiff's case is held proved and hence this court is of view that the plaintiffs are entitled for the prayer he claimed for.

4. RESULT :-

In the result, Suit is decreed,

i) by granting a Permanent Injunction against the defendant restraining the defendant from making alienation or creating encumbrances upon the plaint schedule properties in respect of 2/3 share of the plaintiffs 2 and 3 without obtaining permission from the court during the minority the period of the plaintiffs 2 and 3.

ii) No order as to Costs.

Dictated to the Typist, transcribed and typed by her in Computer, corrected and pronounced by me in Open Court this, the 29th day of July, 2025.

Sd/-
District Munsif,
Eraniel.

Plaintiff side witnesses:-

PW1 – N. Rajan

Plaintiff side documents:-

Ex.A1	28.11.2018	Original settlement deed executed infavour of R. Vijay by K. Nagaretnam
Ex.A2	28.11.2018	Original settlement deed executed infavour of R. Vijay by K. Nagaretnam
Ex.A3	27.11.2018	Original settlement deed executed infavour of R. Vijay by K. Nagaretnam
Ex.A4	29.07.2020	Death Certificate of K. Nagaretnam

Ex.A5	24.06.2021	Death Certificate of Vijay Rajan
Ex.A6	01.11.2020	Legal Heir certificate of K. Nagaretnam
Ex.A7	28.05.2021	Legal Heir certificate of KVijay Rajan
Ex.A8	21.03.2024	Copy of the patta for Re-survey No. 520/7B
Ex.A9	21.03.2024	Copy of the patta for Re-survey No. 520/1B
Ex.A10	05.10.2021	Kist receipt in favour of Vijay
Ex.A11		Copy of the Aadhar card of the 1 st plaintiff

Defendant's side Witness and Documents :-

- Nil -

Sd/-
District Munsif,
Eraniel.

**D.M.Court, Eraniel.
O.S.No.47/2024
Draft/Fair Judgment
Dated: 29.07.2025.**

R.K. Neema