



*O.S.No.14 of 2022*

**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE  
(FAST TRACK COURT) AT KANCHEEPURAM**

**PRESENT:TMT.S.MOHANAKUMARI, M.A., B.L.,  
Additional District & Sessions Judge,  
Additional District and Sessions Court, (FTC)  
Kancheepuram.**

Tuesday, the 11<sup>th</sup> day of August 2026

**O.S NO.14 OF 2022**

**(CNR.No.TNKPO60003162022)**

1. B.Kuppa Bai.
2. B.Chandru @ Chandrasekar.
3. B.Vetriselvan.
4. B.Manimaran.

..... Plaintiffs

/Vs/

1. S.Bagyalakshmi (Died).  
W/o. Sivakumar.
2. B.Kalaiselvi,  
W/o. Babuchandiran.
3. B.Sumathi,  
W/o. Ganapathy.
4. S.Sivakumar,  
S/o. Sundaresan.
5. S.Rajkumar,  
S/o. Sivakumar.
6. S.Sangeetha,  
D/o. Sivakumar.



*O.S.No.14 of 2022*

7. S.Ashok Kumar,  
S/o. Sivakumar.

..... Defendants

Legal heirs of 1<sup>st</sup> defendant (4 to 7 defendants) amended as per order in I.A  
No.4/2024 dated 29.11.2024.

This suit came up on 06.06.2026 for final hearing before me in the presence of M/s.R.Ragunath and R.Vandhana Gayathri, learned counsels appearing for the Plaintiffs, 1<sup>st</sup> Defendant set exparte on 10.01.2023, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants were set exparte on 15.02.2024, 4<sup>th</sup> and 5<sup>th</sup> Defendants were set exparte on 13.03.2026, 6<sup>th</sup> Defendant set exparte on 06.08.2025, 7<sup>th</sup> Defendant called absent set exparte on 05.11.2025, upon perusing the entire case records, upon hearing the argument of plaintiff and having stood over for consideration till this day, this court delivers the following:

### **EXPARTE JUDGMENT**

The suit is filed for preliminary decree for partition and separate possession of the plaintiffs' 4/7<sup>th</sup> share in the suit property; to appoint an advocate commissioner to measure the properties by metes and bounds and to allot the plaintiffs' 4/7<sup>th</sup> share in the final decree proceedings; for declaration that the impugned registered settlement deed dated 04.01.2026 in Doc.No.23 of



*O.S.No.14 of 2022*

2016 executed by the plaintiff and her husband C.K.Balasundaram Udaiyar in favour of the defendants is null and void and not binding upon the plaintiffs and the same is unenforceable with regard to the plaintiffs respective share in the suit property; permanent injunction restraining the defendants and their men or their nominee from in any way encumbering or alienating the suit property under the guise of the impugned registered settlement deed dated 04.01.2016 in Doc.No.23 of 2016 to the 3<sup>rd</sup> parties; to award costs of the suit and to pass such or other reliefs as may be deemed fit in the circumstances of the case.

## **2. CASE OF THE PLAINTIFFS RUNS AS FOLLOWS:**

The plaintiff submits that the 1<sup>st</sup> plaintiff is wife of one C.K.Balasundram Udayar, the 2 to 4 plaintiffs are their sons and the 1 to 3 defendants are their daughters. The suit house premises bearing Municipal Door No.17B, New Door No.272 situated at Mahendra Pallavan Street, Mamallan Nagar, Arappanancheri Village, Kanchipuram and the suit property is an absolute property of the said C.K.Balasundram Udayar. The suit house site was purchased by the said C.K.Balasundram Udayar in pursuance of a registered sale deed dated 17.06.1968 from the Mamallan Co-operative House Building Society for a good



*O.S.No.14 of 2022*

and valuable consideration in Doc.No.1371/1968. The said C.K.Balasundram Udayar has put up a RCC roofed construction on the suit site and the same was also assessed by the Kanchipuram Municipality and also got transfer of revenue records such as property tax, water tax and drainage tax in his favour and regularly paying the same to the concerned authorities. The said C.K.Balasundram Udayar has also got Electricity Service Connection in S.C.No.601-020-141 and paying electricity consumption charges to the authorities. The said C.K.Balasundram Udayar has been in absolute possession and enjoyment of the suit house premises till his demise and in which except the said C.K.Balasundram Udayar, no other person is having any manner of right , title, interest thereon. The said C.K.Balasundram Udayar during his life time, out of love and affection had executed and registered a settlement deed dated 31.05.1984 in doc.no.892/1984 in favour of his wife Tmt.B.Kuppa Bai in respect of Western portion to an extent of East to West 23 Ft and North to South 62 ft and retained the Eastern portion. The above settlement deed has immediately acted upon and in pursuance of the same, the 1<sup>st</sup> plaintiff has become an absolute owner of the western half portion of suit property. The said Kuppa Bai along her sons have raised a loan from the Big Kanchipuram



*O.S.No.14 of 2022*

operative Town Bank on several occasions. The suit property was absolutely belong to the said C.K.Balasundaram Udaiyar and the 1<sup>st</sup> plaintiff herein and in which except the said persons, no other person is having any manner of right, title, interest and possession thereon. The said C.K.Balasundaram Udaiyar died on 12.01.2017 and leaving behind him, the plaintiffs and the defendants are as his only legal heirs to succeed all his interest and liabilities in the Eastern portion of the suit property. Apart from the suit property, the said C.K.Balasundaram Udaiyar was an owner of the premises bearing Municipal Door No.102A, Kamarajar Street, Kanchipuram, The said C.K.Balasundaram Udaiyar during his life time, along with 2 to 4 plaintiffs and defendants have sold the same in favour of one S.Dhanalakshmi S/o. Sreedhar in pursuance of a registered sale deed dated 02.01.2016 in Doc.No.18 of 2016. Hence this suit is restricted to file only in respect of the suit property alone. The plaintiffs therefore submits that they along with the defendants are in joint possession and enjoyment of the suit property. The suit property has been enjoyed by the plaintiffs and the defendants as Hindu Joint Family properties. Whiles, behind the 2 to 4 plaintiffs back and without their knowledge and consent, influencing the 1<sup>st</sup> plaintiff and her husband, the said C.K.Balasundaram Udaiyar, the



*O.S.No.14 of 2022*

defendants seem to have created a sham and nominal impugned registered settlement deed dated 04.01.2016 in their favour in Doc.No.23/2016. The said settlement deed is not acted upon and in pursuance of the same, possession is not handed over to the defendants. As the defendants have not taken any care and maintenance of the 1<sup>st</sup> plaintiff and her husband settlement deed in pursuance of the registered cancellation deed dated 27.10.2016 in Doc.No.4738/2016. Hence, it is not true that the 1<sup>st</sup> plaintiff and her husband C.K.Balasundaram Udaiyar was taken care and maintained by the defendants as alleged in the impugned settlement deed dated 04.01.2016. The plaintiffs along with the defendants have been enjoying the suit property commonly without any division by metes and bounds. Hence, the above said settlement deed not acted upon and the suit property is intact. The above said impugned document will not bind upon the plaintiffs share in the suit property and they are ignoring the same. The suit property is the Hindu Joint family property of the plaintiffs and the defendants and they have been enjoying the same jointly. Now the defendants, by taking advantage of the impugned settlement deed stated supra, is now truing to alienate and encumber the suit property in favour of 3<sup>rd</sup> parties. Since the attitudes of the defendants are not congenial for joint possession, the



*O.S.No.14 of 2022*

plaintiffs have demanded for partition and separate possession of their 4/7<sup>th</sup> share in the suit property for which the defendants are evading. Hence the plaintiffs are now obliged to file this suit for partition and separate possession of their 4/7<sup>th</sup> share in the suit property. There are no joint family debts. The pending this case, the 1<sup>st</sup> defendant died intestate on 19.10.2022 leaving behind the 4 to 7 proposed defendants herein are as his only legal heirs to succeed all his interest and liabilities. Hence, the plaintiffs have filed the petition to implead 4 to 7 proposed defendants in the above suit for effective adjudication in I.A No.3 of 2023 and the same was allowed on 15.02.2024 and in consequence, the plaint is suitably amended.

3. In spite of service of summon, 1<sup>st</sup>, 6<sup>th</sup> and 7<sup>th</sup> defendants failed to turn up before this Court, which resulted in setting them *ex parte* on 10.01.2023, 06.08.2025 and 05.11.2025 respectively. Despite affording opportunity to the defendants 2 and 3, they failed to file their written statement and called absent setting them *ex parte* on 15.02.2024. Even after effecting paper publication, 4<sup>th</sup> and 5<sup>th</sup> defendants failed to turn up before this Court, which resulted in setting them *ex parte* on 13.03.2026.



*O.S.No.14 of 2022*

4. **ISSUES**: On perusal of the plaint and other documents this court has framed the following issue:

1. Whether the plaintiffs are entitled to get the reliefs as prayed for?

**5. EVIDENCE LET IN:**

The 3<sup>rd</sup> Plaintiff examined himself as PW1 and Ex.A1 to Ex.A8 are marked. Heard the submissions made by the learned counsels for the plaintiffs. Also, perused the records.

**6. ANSWER TO ISSUE:**

**Whether the plaintiffs are entitled to get the relief as prayed for?**

This court perused entire case records thoroughly. The case of the Plaintiff had been elaborately narrated in the Para No.2 herein. Hence need not be reproduced herein once again. Let us switch over in to discussion portion directly. In order to prove, plaintiff's case 3<sup>rd</sup> plaintiff examined himrself as PW1 by marking Ex.A1 to Ex.A8. Ex.A1 is the Sale deed executed in favour of C.K.Balasundram Udayar by Mamallan Co-operative House Building Society. Ex.A2 is the Settlement deed executed in favour of B.Kuppa Bail by C.K.Balasundram Udaiyar. Ex.A3 is the death certificate of C.K.Balasundaram Udaiyar. Ex.A4 is the Settlement deed executed in favour of the defendants by



*O.S.No.14 of 2022*

1<sup>st</sup> plaintiff and C.K.Balasundaram Udaiyar. Ex.A5 is the Cancellation of Settlement deed executed by the 1<sup>st</sup> plaintiff and C.K.Balasundaram Udaiyar. Ex.A6 is the Encumbrance Certificate. ExA7 is the patta stands in the name of C.K.Balasundaram Udaiyar and Ex.A8 is the EB cards is the patta stands in the name of C.K.Balasundaram Udaiyar.

6.1 The burden lies upon the plaintiffs to establish their entitlement to the relief of partition, declaration and consequential injunction. In order to substantiate their case, the 3<sup>rd</sup> plaintiff examined himself as PW1 and marked Ex.A1 to Ex.A8.

6.2 A perusal of Ex.A1 reveals that the suit property was originally purchased by late C.K. Balasundaram Udaiyar under a registered Sale Deed dated 17.06.1968. Ex.A2 evidences that during his lifetime, he had settled the western portion of the property in favour of his wife, the 1st plaintiff, under a registered Settlement Deed dated 31.05.1984 and the said settlement had been acted upon. Ex.A3, the Death Certificate, establishes that C.K. Balasundaram Udaiyar died intestate on 12.01.2017.



*O.S.No.14 of 2022*

6.3 The plaintiffs have further produced Ex.A4, the Settlement Deed dated 04.01.2016 executed in favour of the defendants, and Ex.A5, the Cancellation Deed dated 27.10.2016. The categorical evidence of PW1 is that the settlement deed was never acted upon and possession of the property was not delivered to the defendants pursuant thereto. It is also in evidence that the executants themselves cancelled the settlement deed during their lifetime. The oral testimony of PW1 remains uncontroverted and unrebutted. Ex.A6 Encumbrance Certificate, Ex.A7 Patta and Ex.A8 Electricity Service records further support the plaintiffs' case regarding the title and possession of the suit property.

6.4 Though sufficient opportunities were afforded, the defendants failed to contest the proceedings and were set exparte. Consequently, the oral and documentary evidence adduced by the plaintiffs has remained unchallenged. It is well settled that even in exparte proceedings, the Court must independently scrutinize the evidence available on record. Upon such scrutiny, this Court finds that the evidence of PW1 is cogent, convincing and supported by documentary evidence.



*O.S.No.14 of 2022*

6.5 The materials available on record clearly establish that after the demise of C.K.Balasundaram Udaiyar, the plaintiffs and defendants succeeded to the remaining estate as his legal heirs. The plaintiffs have also established that the impugned Settlement Deed dated 04.01.2016 cannot affect their lawful share in the suit property. There is no material available before this Court to discredit the claim of the plaintiffs. Accordingly, this Court holds that the plaintiffs have successfully proved their entitlement to the relief of partition and separate possession of their 4/7th share in the suit property and are also entitled to the consequential reliefs sought for in the plaint. Hence, this issue is answered in favour of the plaintiffs.

**7.RESULT:** In the result, the suit is decreed as follows:

1. That the plaintiffs are entitled to 4/7th share in the suit schedule property and for separate possession of the same.
2. That the plaintiffs are at liberty to file an appropriate application for appointment of an Advocate Commissioner and for passing of a final decree by metes and bounds.
3. It is declared that the registered Settlement Deed dated 04.01.2016 in Document No.23 of 2016 is not binding upon the plaintiffs' 4/7th share in the suit property.



*O.S.No.14 of 2022*

4. That the defendants, their men, agents or persons claiming under them are permanently restrained from alienating or encumbering the plaintiffs' 4/7th share in the suit property; and

5. No cost.

Dictated to the stenographer directly in the computer, corrected and pronounced by me in open court this the 11<sup>th</sup> day of August 2026.

Additional District & Sessions Judge,  
Additional District & Sessions Court (FTC)  
Kancheepuram

**LIST OF WITNESS ON PLAINTIFF'S SIDE:**

PW1 - B.Vetriselvan.

**LIST OF EXHIBITS ON PLAINTIFF'S SIDE:**

Ex.A1 17.06.1968 Sale deed executed in favour of C.K.Balasundram Udaiyar by Mamallan Co-operative House Building Society – Certified copy.

Ex.A2 01.05.1984 Settlement deed executed in favour of M.Kuppabai by C.K.Balasundaram Udaiyar – Certified copy.

Ex.A3 12.01.2017 Death certificate of C.K.Balasundaram Udaiyar – Original.

Ex.A4 04.01.2016 Settlement deed executed in favour of the defendants by 1<sup>st</sup> plaintiff and C.K.Balasundaram Udaiyar – Certified copy.

Ex.A5 27.10.2016 Cancellation deed executed in favour of the defendants by 1<sup>st</sup> plaintiff and C.K.Balasundaram Udaiyar – Certified



*O.S.No.14 of 2022*

copy.

Ex.A6    01.01.1984 Encumbrance certificate – Online copy.

to

27.06.2021

Ex.A7            -        Patta stands in the name of C.K.Balasundaram Udaiyar –  
online copy.

Ex.A8            -        EB card stands in the name of C.K.Balasundaram Udaiyar  
– Original.

**LIST OF WITNESSES EXAMINED AND DOCUMENTS EXHIBITED  
ON THE SIDE OF THE DEFENDANTS: Nil.**

Additional District & Sessions Judge,  
Additional District & Sessions Court (FTC)  
Kancheepuram.



*O.S.No.14 of 2022*

**Draft/Fair Judgment**

**O.S.No.14/2022**

**D.D.11.08.2026**

**ADJ,(FTC) KPM**