

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF**  
**AT KANCHIPURAM**

**PRESENT: Tmt.Fanny Rajan, B.A., B.L.,(Hons)**

**Principal District Munsif, Kanchipuram**

**On Thursday, the 9<sup>th</sup> day of April 2026**

**O.S.No. 165 of 2014**

**CNR. No.TNKP08-000248-2014**

1. Dayalan (died)

2. Indra

3. Chandrasekar

4. Sumathi

5. Sarasu

6. Babu

...Plaintiffs

//Versus//

1. Nageshwarao (died)

2. Santha

3. Gogul rao

4. Karanya @ Karunyadevi

...Defendants

This suit has come up on 25.03.2026 for final hearing before me in the presence of M/s. K.Vijayasundaram, T.Loganayaki Counsels for the plaintiffs, the 1st defendant died, the 2nd and 3rd were called absent and set exparte on 25.09.2018 in I.A.No.61/2017, M/s. A. Murali, R.Soundarapandi, counsels for the 4<sup>th</sup> defendant and upon hearing the arguments of both sides, perusing the

connected material records and having stood over till this day for consideration, this court delivers the following:

### **JUDGMENT**

1. This is a suit for declaration that the plaintiff is the absolute owner of the plaint schedule landed property in consequence granting a permanent injunction against the defendant resisting him and his men or agents from in any way interfering with the plaintiff's peaceful possession and enjoyment of the schedule of property and a declaration that the sale deed dated 24.01.1984 executed by Narayani ammal in favour of the defendant registered as document No.213 of 1984 on the filed of Sub Registrar, Walajabad is invalid and not binding on the plaintiff and for cost.

### **Concise Statement of the Plaintiff as per the Plaint:**

2. The plaintiff has averred that he is the absolute owner of the suit property which is an ancestral manawari punja land fit for cultivation during rainy seasons. During the Roytawari tract, the suit property was in the hands of his father and on his demise, inherited by him and in enjoyment for more than 60 years by raising crops without interference. The Revenue records, Patta No.377 is in his name and kist is paid. He has perfected title by long and continuous possession by prescription.

3. The defendant is a stranger without any right title or possession attempted to interfere his property in the 1<sup>st</sup> week of October 2013 and resisted. Whileso the defendant has made a false complaint to the Walajabad Police against the plaintiff, Ranganathan, Govindarajan, Meera bai and Gopal Naidu and FIR was registered. A bail order was obtained by him and Ranganathan apprehending arrest.

4. Also the defendant filed a false complaint under the land grabbing Act. During enquiry all records were produced by him, including the electricity service connection. Whileso, the defendant filed a photocopy of the sale deed dated 24.01.1984 from Narayani ammal. She had taken advantage of a wrong entry in the old A register during the shotrium period and executed the fraudulent deed, though she was not in possession. The sale deed is not true and valid. Hence this suit for declaration and permanent injunction.

**Concise Statement of the defendant as per the Written statement filed by the 4<sup>th</sup> defendant:**

5. The Defendant had denied the allegations and stated that the absolute owner of the agricultural land in survey No.281/3, measuring an extent of 92 Cents Punjai Land. It was originally owned and possessed by Mrs.Narayaniammal, having purchased through a registered sale deed from one

Mr.Srinivasulu Naidu and Mr.Adikesaval Naidu. The said land at time of purchase was in Pymash vide No.212 measuring an extent of 0.2.10 Cawnies and in Pymash vide No.213 measuring an extent of 0.2.12 Cawnies, total extent of land is 0.5.6 Cawnies (i.e, 92 cents). Since purchase she was in possession and got patta No.168. The entire revenue records stood in her name and duly mutated in the UDR and SLR Register. The said Pymash Number was converted into corresponding survey Number as 281/3 and New Patta No.944 was issued.

6. Her father i.e. the 1<sup>st</sup> defendant purchased the suit property from Mrs.Narayaniammal, vide registered sale deed dated 24.01.1984. Since in his possession paying kists. Initially the cultivation could not be continued due to his health condition and severe drought. In 2008, he leased it to Mr.D.Anandan and regularly executed lease agreement.

7. In 2013, the 1<sup>st</sup> plaintiff, who is no way connected to the said land, forcibly entered into the suit property and threatened. Hence her father lodged the police complaint and F.I.R No. 300/2013 was registered. and the same as pending for trial. Though he admitted to quit the land, later he threatened her father. Further, the 1<sup>st</sup> plaintiff also threatened their labour Mr.K.Durai, for which he lodged a police complaint against the 1<sup>st</sup> and 3<sup>rd</sup> defendant. In the meanwhile,

the 1<sup>st</sup> Plaintiff mutated the UDR patta without any title deed and got the illegal Patta Vide No.377 in his name and it is not valid. Hence her father approached the District Collector for cancellation of the illegal Patta issued to the 1<sup>st</sup> Plaintiff.

8. Further, on 18.11.2014 her father executed a Will bequeathing the suit property to her. The 1<sup>st</sup> Plaintiff had suppressed the material facts. Pending disposal of the suit her father died on 19.05.2015 leaving behind the 4<sup>th</sup> defendant and 3<sup>rd</sup> defendant Mr.N.Gokul Rao and his wife Mrs.N.Shanthakumari who is the 2<sup>nd</sup> defendant herein. Thereafter she acquired the property as per the Will and requested not to register any deed. On 03.09.2013, the authority has issued a letter stating that it could not stop the registration of any deed and advised to approach the Court for appropriate remedy. Hence the suit has to be dismissed.

9. **Status of Parties:** Upon perusal of records, this court finds that the 1<sup>st</sup> Plaintiff died and the Plaintiffs 2 to 6 were impleaded as his legal heirs. Thereafter, the 1<sup>st</sup> defendant died and the defendants 2 to 4 were impleaded as his legal heirs. Whiles, the 2<sup>nd</sup> and 3<sup>rd</sup> defendant were set exparte on 25.09.2018 in I.A.No.61/2017 to implead the legal heirs. The 4<sup>th</sup> defendant had contested the suit and filed her written statement.

10. Thereafter, the Plaintiffs 3 to 6 had filed I.A.No. 8 of 2025 for amendment in plaint and it was partly allowed permitting to record the death of the 2<sup>nd</sup> Plaintiff. The same was allowed on 09.01.2026. Thereafter, the Plaintiffs 3 to 6 have failed to carry out the amendment citing that revision is being preferred. Though the Plaintiff claims that CRP No. 1498/2026 is filed and pending, no stay order has been produced since 23.01.2026 till today. As there is no stay and as the suit is a more than 12 year old, this court proceeds to pronounce the judgment. Further, as per Order VI Rule 18 CPC the amendment had to be carried out within 14 days or within the time limit fixed by the court. However, as no time period was fixed by the court, since 09.01.2026, the Plaintiff ought to have carried out the amendment within 14 days. But the Plaintiffs 3 to 6 failed to carryout the amendment and waived the right thereunder. Thus, this court proceeds with the suit in light of the original plaint.

**Issues:-**

11. On perusal of the plaint and written statement filed by the defendant, this Court framed the following issues on 03.02.2020:

(i) தாவா வழக்கு சொத்து வாதி முழு உரிமையாளர் என கோரும் விளம்புகை பரிகாரம் வழங்கத்தக்கதா?

(ii) தாவா சொத்தில் வாதி அனுபவத்தில் உள்ளாரா?

(iii) வாதி தாவா சொத்தினை அமைதியாக அனுபவிக்க பிரதிவாதிகள் இடையூறு செய்யக்கூடாது என கோரும் நிரந்தர உறுத்துக்கட்டளை பரிகாரம் வழங்கத்தக்கதா?

(iv) 24.01.1984 ல் பிரதிவாதி பெயரில் ஏற்பட்ட கிரய ஆவணம் கிரய ஆவண எண் 213/1984 ல் வாதியை கட்டுப்படுத்தாது என்றும் அது செல்லத்தக்கதல்ல என கோரும் பரிகாரம் ஏற்புடையதா?

(v) வாதிக்கு வேறு பரிகாரங்கள் கிடைக்கத்தக்கதா?

**Evidences:-**

12. On the side of plaintiffs, the 3<sup>rd</sup> plaintiff himself was examined as PW1, Ex.A1 to Ex.A16 were marked. On the side of the 4<sup>th</sup> defendant, the 4<sup>th</sup> Defendant was examined as DW1 and Ex.B1 to B11 were marked.

**Discussion and Findings:**

13. This Court considers the submissions of the Learned Counsel for the 4<sup>th</sup> Defendant including his written arguments, also perused the materials on record. The Plaintiff had not advanced any oral arguments, hence this court proceeds to pronounce this judgment based on the materials available on record.

14. **Case of the Plaintiffs:** It is the case of the Plaintiffs through PW1 that the suit property is their ancestral property. It is a manawari punjai land in

cultivation by his ancestors and then by his father. The Patta No.377 Ex.A1, Ex.A10, chitta Ex.A2, Ex.A12, Ex.A13, adangal Ex.A8, Ex.A9, Kist receipt Ex.A3 are in the name of his father. The Ex.A5 is the field map of the S.No.281/3 and Ex.A11 Patta with certificate of change to metric measurement.

**15.** The 1<sup>st</sup> defendant tried to interfere with his possession based on a fraudulent deed executed by one Naranayiammal. The 1<sup>st</sup> defendant lodged a false complaint on 08.10.2013 and Ex.A16 FIR was lodged. The property of the 1<sup>st</sup> defendant in Uthukadu Village No.92 and that of the 1<sup>st</sup> defendant is in 112. The Village has two village administrations in Block I(A) and II(B). There is no connection between Narayaniammal and them. The defendant relies on Patta No.944. They denied the pleadings of the 4<sup>th</sup> defendant.

**16.** The Plaintiffs family is in continuous cultivation of their land for more than 60 years and obtained EB connection for the same as seen from Ex.A4, Ex.A6, Ex.A7. The 1<sup>st</sup> Plaintiff died as seen from Ex.A14 death certificate, the Plaintiffs 2 to 6 are his legal heirs as seen from Ex.A15 legal heir certificate. Hence the suit has to be decreed.

**17. Case of the 4<sup>th</sup> Defendant:** Per contra, through DW1 the 4<sup>th</sup> defendant had denied the allegations by the Plaintiff. She is the absolute owner of the agricultural land in survey No.281/3, measuring an extent of 92 Cents Punjai

Land. It was originally owned by Mrs.Narayaniammal, who purchased it vide a registered sale deed Ex.B1. Since purchase she was in possession and got patta No.168 as substantiated by Ex.B11 Notice. The said Pymash Number was converted into corresponding survey Number as 281/3 and New Patta No.944 was issued as evidenced in Ex.B7.

**18.** Her father i.e. the 1<sup>st</sup> defendant purchased the suit property from Mrs.Narayaniammal, vide registered sale deed dated 24.01.1984 Ex.B2 and duly reflected in the Ex.B6 encumbrance certificate. Since in his possession paying kists. Initially the cultivation could not be continued due to his health condition and severe drought. In 2008, he leased it to Mr.D.Anandan and regularly executed lease agreement Ex.B3.

**19.** In 2013, the 1<sup>st</sup> plaintiff forcibly entered into the suit property and threatened. Hence her father lodged a police complaint registered in F.I.R No. 300/2013. In the meanwhile, the 1<sup>st</sup> Plaintiff mutated the UDR patta without any title deed and got the illegal Patta Vide No.377 in his name and it is not valid. Hence her father approached the District Collector for cancellation of the illegal Patta issued to the 1<sup>st</sup> Plaintiff, as seen from Ex.B10 letter.

**20.** Whiles, on 18.11.2014 her father executed a Will Ex.B4 bequeathing the suit property to her. The 1<sup>st</sup> Plaintiff had suppressed the material facts. Pending

disposal of the suit her father died on 19.05.2015 as seen from Ex.B5 Death Certificate. He left behind herself, the 2<sup>nd</sup> and 3<sup>rd</sup> as his legal heirs. Thereafter she acquired the property as per the Will and requested not to register any deed. On 03.09.2013 Ex.B9, the authority has issued a letter stating that it could not stop the registration of any deed and advised to approach the Court for appropriate remedy. Hence the suit has to be dismissed.

**21. Ocular and documentary evidence:** Upon perusal of records, this court finds that the trial in this court commenced by examining the Plaintiff as PW1 on 16.03.2020. Hence, this suit is governed under the Indian Evidence Act, as per Section 170(2) of the Bharathiya Sakshya Adhiniyam.

**22.** This court finds that the PW1, DW1 being the 3<sup>rd</sup> Plaintiff, the 4<sup>th</sup> defendant have been examined respectively. This court finds that there is no material on record to question the admissibility of their evidence. Hence, the ocular evidence of PW1, DW1 are admissible in evidence.

**23.** This court finds that the Ex.B4 is a Will filed by the 4<sup>th</sup> defendant. This court judicial note of the Judgment in *Ramesh Chand (D) Through legal representatives Vs. Suresh Chand, 2025 INSC 1059*. The Hon'ble Supreme Court clearly held that irrespective of whether a Will is denied or not it is

mandatory for examining one attesting witness of a Will, to prove the Will under Section 68 of the Indian Evidence Act.

**24.** In this case, the 4<sup>th</sup> defendant had not chosen to examine any attesting witness to the Ex.B4 Will. For the reasons best known the 4<sup>th</sup> defendant though adduced the Will as Ex.B4 did not examine any of the attesting witnesses or take any effort to prove the Will as mandated under Section 68 of the Indian Evidence Act. Thus, the 4<sup>th</sup> Defendant has failed to prove the Ex.B4 Will through the attesting witness or as per the procedure under Section 68 of the Indian Evidence Act. Hence, this court finds that the Ex.B4 Will is not admissible as an evidence for lack of proof as mandated under Section 68 of the Indian Evidence Act.

**25.** This court finds that the Ex.A1 to Ex.A16 and Ex.B1 to Ex.B3 and Ex.B5 to Ex.B11 are produced as originals or certified copies. This court finds that the Ex.A1 to Ex.A16, Ex.B1 to Ex.B3 and Ex.B5 to Ex.B11 are all admissible as secondary evidence under Section 64, 65 of the Indian Evidence Act. Therefore, this court discusses the evidentiary value of PW1, DW1, Ex.A1 to Ex.A16, Ex.B1 to Ex.B3, Ex.B5 to Ex.B11 herein below.

**Issue No.1 to 4: Declaration and Permanent Injunction**

26. For better appreciation and discussion, this court opines that the issue No.1 to 4 being interlinked relating to the title and possession shall be taken up together for consideration.

27. **Admitted facts:** From the above case of the Plaintiffs and 4<sup>th</sup> defendant, this court finds that there is no dispute regarding the factum of death of the 1<sup>st</sup> Plaintiff and 1<sup>st</sup> defendant as per Ex.A14 and Ex.B5 death certificates. The Plaintiffs 2 to 6 being the legal heirs of the 1<sup>st</sup> Plaintiff as per Ex.A15 legal heir certificate is also not disputed. The 2<sup>nd</sup> to 4<sup>th</sup> defendant being the legal heirs of the deceased 1<sup>st</sup> defendant is not disputed. In fact the death of the 2<sup>nd</sup> Plaintiff is evidenced from I.A.No.8 of 2025, though the right of amendment was waived by the Plaintiffs. In light of Section 58 of the Indian Evidence Act, the admitted facts need not be proved.

28. **Description and identification:** One of the main contentions relate to the description and identification of the suit property. As per the schedule the suit property is at S.No.281/3, No.92, Uthukadu Village. The Plaintiffs have pleaded specifically that

*“the suit property is situated at Uthukadu Village which was previously a Shotrium Village later converted into Roytawari Tract the Old No. for the*

*Village is 112 during Shortrium and now after Roytawari the Village is 92.*” In fact the DW1 in her cross examination admits that she is aware of the difference in the village number.

**29.** The PW1 in his chief examination had taken a stand that the Uthukadu Village has 2 village administrations Block IA and IB. Further stated that the suit property in patta No.377 and that of the said Narayaniammal in patta No.944 are different. It is pertinent to note that the same is not specifically pleaded in the suit that the suit property and that of the 1<sup>st</sup> defendant is different. Hence as per the well established principle of law, no evidence shall be admissible in the absence of pleadings. This court has to be thus go by the documents and find if the same substantiates the Pleadings in the Plaint.

**30.** As per the Plaintiffs’ case, the suit property is at Uthukadu Village No.92 and that of the 1<sup>st</sup> defendant is Uthukadu Village No.112. The Plaintiffshad relied on Ex.A1, Ex.A11 Patta No.377 in the name of the 1<sup>st</sup> Plaintiff, Ex.A2, Ex.A12, Ex.A13 Chitta, Ex.A3 Kist receipt, Ex.A5 Field Map, Ex.A8 Adangal, Ex.A9 A register extract all reflect the suit property as in S.No.281/3, No.92, Uthukadu Village.

**31.** It is clearly evidenced in the Ex.B11 notice dated 27.06.1945 that the 1<sup>st</sup> defendant’s vendor Narayaniammal was a tenant in the paimash No.212,

No.112, Uttukadu Shrotriem and was demanded to pay the rent as per notice issued under Madras Estates Land Act, 1908. This court takes note of the fact that the said Narayaniammal was subsequently granted Patta No.944 as reflected in the Settlement Land Survey Register Extract Ex.B7.

**32.** Further it reflects that the S.No.281/3 in Patta No.944 stands in the name of the said Narayaniammal. Thus, it correlates the fact that S.No.281/3 in 112 Uthukadu Village is the Paimash No.212 in No.112 Uthukadu Village which the said Narayaniammal purchased as per Ex.B1 Sale deed dated 07.01.1935. Subsequently, the said Narayaniammal executed the Ex.B2 Sale Deed dated 24.01.1984 in favour of the 1<sup>st</sup> defendant. Even in the said document the No.112, Uthukadu village is reflected.

**33.** This court finds that the S.No.281/3 is reflected in the above mentioned the revenue records filed by both parties, the difference relates to the Village No. whether 92 and 112 Uthukadu. The boundaries are not mentioned in the suit schedule. Whiles, it is pertinent to note that the Ex.B1 Sale Deed in favour of the 1<sup>st</sup> defendant's vendor or the Ex.B2 Sale Deed in favour of the 1<sup>st</sup> defendant also does not reflect the boundaries.

**34.** The boundaries having not been mentioned, the Survey No. claimed by both parties are same S.No.281/3 in Uthukadu Village. The Ex.A5 Field Map

only identifies the S.No.281/3 but not assisting in identifying the Village No.92 and 112 is either the same or different. The only difference is the village number. Even as per the Plaintiffs, the old Shortriem number was 112 and the new village number is 92 as specifically pleaded. There is no material evidence available on record to identify that the suit property in S.No.281/3 in 112 and 92 Uthukadu Village are same as pleaded in the plaint.

**35.** As per Order VII Rule 3 CPC, the Plaintiffs are bound to identify his property by proper description. In light of the survey number and village name being the same, the burden of proving the suit property in No.92 Uthukadu Village is duly identified from the 1<sup>st</sup> defendant's property is initially upon the Plaintiffs under Section 102 and 103 of the Indian Evidence Act.

**36.** However, despite being aware of the discrepancy in identifying the suit property, the Plaintiffs had failed to adduce due evidence to substantiate the identity of the suit village number as pleaded. Further, the lack of boundaries in the schedule when the Survey No. claimed by both parties and village name are same, affects the case of the Plaintiffs in identifying the suit property due to the lack of proof regarding Village Number, though the Ex.A5 field Map is filed. Consequentially, in light of the pleadings that 112 Shrotriem is 92 Uthukadu Village and the lack of other material evidence to identify the difference, this

court finds that the preponderance of probability indicates that the S.No.281/3 in 112 or 92 Uthukadu village are one and the same. Hence the issue now is to identify it's owner.

**37. Ownership and possession:** This court considers the judgment in *Ananthammal (Died) and 7 others Vs. M.Ramakrishnan and 6 others, 2018 (1) CTC 24*, and as per the said dictum the Plaintiffs has to stand on his own legs and not on the weakness of the defendant's case.

**38.** It is the case of the Plaintiffs that the suit property is his ancestral property and was in possession and enjoyment for more than 60 years. The Ex.A1, Ex.A10, Ex.A11 Patta No.377 in the name of the 1<sup>st</sup> Plaintiff, Ex.A2, Ex.A12, Ex.A13 Chitta, Ex.A3 Kist receipt, Ex.A8 Adangal, Ex.A9 A register extract all reflect the name of the 1<sup>st</sup> Plaintiff.

**39.** Further, to prove the electricity connection obtained for the suit property, he relied on Ex.A6 EB card, Ex.A4 name transfer order and Ex.A7 electricity receipts. Thus, there is a clear evidence to show that the 1<sup>st</sup> plaintiff has been in possession since 1988 as seen from Ex.A1 patta and continuous possession is established by the other Ex.A1 to Ex.A4, Ex.A6 to Ex.A13 documents. However all the documents are revenue records and there is no title deed.

40. This court takes judicial note of the judgment in *Kesavan and others VS Muthu, 2012 (6) CTC 303, M.Ganesan and others Vs. Kanniappan and others, 2025 (3) TNLJ 160 (Civil)*, wherein it has been specifically held that revenue records do not convey title or establish title when there are title deeds.

41. This court finds that the Plaintiffs has pleaded about the suit property being his ancestral property. It is admitted that it is a manavari punjai land. Hence, the Plaintiffs is bound clearly plead the nature of title in the suit property of his ancestors, the devolution and inheritance upon the 1<sup>st</sup> Plaintiff. There is no material facts pleaded regarding the genealogy and the inheritance of the suit property by the 1<sup>st</sup> Plaintiff. The same is also admitted by the PW1 in his cross examination. Thus, the Plaintiffs though being aware of the lack of material pleadings and evidence failed to take necessary steps to plead and prove the flow of title at the first instance.

42. In fact no patta, chitta or adangal of the ancestors is pleaded or adduced. Only the patta, chitta, adangal and EB documents in the name of the 1<sup>st</sup> Plaintiff are filed. The Plaintiffs are bound to clearly plead and explain the manner of conveyance of title upon the 1<sup>st</sup> plaintiff and subsequently on themselves. Thus, it is evident that the plaint is bad for lack of pleading of material facts regarding the conveyance of title as mandated under Order VI Rule 2 CPC.

43. Whiles, to prove the title of the 1<sup>st</sup> defendant, the 4<sup>th</sup> defendant DW1 relied on the Ex.B11 Notice of demand of rent to the vendor Mrs.Narayaniammal in Paimash No.212, Shrotriem 112 Uthukadu Village. To correlate the ownership of the vendor, she also relied on Ex.B7 Settlement Land Register extract reflecting the 112 Village Number, S.No.281/3 in the name of the said Narayaniammal in Patta No.944.

44. The said Narayaniammal purchased the property through the Ex.B1 Sale Deed dated 07.12.1935. She sold it to the 1<sup>st</sup> defendant through the Ex.B2 Sale Deed dated 24.01.1984. The said transaction entry is duly recorded in Ex.B6 encumbrance certificate and no adverse entry is reflected. Thus, there is a clear conveyance of title upon the 1<sup>st</sup> defendant through the Ex.B2 Sale Deed for S.No.281/3 in 112 Uthukadu Village, as mandated under *Section 54 of the Transfer of property Act read with Section 17 of the Registration Act*. The Ex.B1 and Ex.B2 are sufficient material evidence under Section 91 of the Indian Evidence Act to prove the conveyance of title as mandated under Section 54 of the Transfer of Property Act.

45. **Title by Prescription:** Further, in the Plaint the Plaintiffs has specifically pleaded that *“The Plaintiff is in continuous and uninterrupted possession and enjoyment of the plaint schedule openly even otherwise perfected by title by*

*long and continues possession by prescription also except the Plaintiff nobody has got any right over the plaint schedule property.”*

46. This Court takes note of the Judgment in ***Dagadabai (Dead) By Lrs v Abbas @ Gulab Rustum Pinjari 2017 ( 13 ) SCC 705*** the Hon’ble Supreme Court had held that a person must first admit the ownership of the true owner over the property before claiming ownership on the strength of adverse possession.

47. Similarly in ***Narasamma and others Vs. A.Krishnappa and others, 2020 (3) MWN (Civil) Page 245***, the Hon’ble Supreme Court had observed that the pleas based on title and adverse possession are mutually inconsistent and the latter does not begin to operate until the former is renounced.

48. In ***Annakili v. A.Vedanayagam, 2007 (14) SCC 308***, the Ho’ble Apex Court observed as under:

*“24.Claim by adverse possession has two elements: (1) the possession of the defendant should become adverse to the plaintiff; and (2) the defendant must continue to remain in possession for a period of 12 years thereafter. Animus possidendi as is well known is a requisite ingredient of adverse possession. It is now a well settled principle of law that mere possession of the land would not ripen into possessory title for the said purpose. Possessor must have animus possidendi and hold the land adverse to the title of the true owner. For the said*

*purpose, not only animus possidendi must be shown to exist, but the same must be shown to exist at the commencement of the possession. He must continue in the said capacity for the period prescribed under the Limitation Act. Mere long possession, it is trite, for a period of more than 12 years without anything more does not ripen into a title.”*

**49.** In this case, the Plaintiffs clearly pleaded ownership as an ancestral property. On the contrary also pleads to have perfected title by prescription, i.e. adverse possession. From the Ex.A1 to Ex.A4, Ex.A6 to Ex.A13, the Plaintiffs has duly established his possession since 1988 (falsi 1396). The Ex.A16 FIR would only assist in identifying the dispute between the parties regarding the suit property and would not in any manner assist in proving title or possession.

**50.** Whileso, the 4<sup>th</sup> defendant admits that there was no cultivation in the property since purchase in 1984 and only from 2008 it was leased for cultivation. Only 2013 Ex.B3 lease agreement is filed. There is no material evidence produced by the 4<sup>th</sup> defendant to establish cultivation or possession except Ex.B3 agreement.

**51.** The Ex.B8 to Ex.B10 only establish the dispute regarding title and revenue records. They does not assist in proving possession of the defendants. Though the Ex.B2 clearly admits the handing over of possession, there is no material to show physical possession or cultivation since 2008 as claimed. On

the other hand the Ex.A1 to Ex.A4, Ex.A6 to Ex.A13 would assist in proving the Plaintiff's possession since 1988. Thus, this court finds that the 1<sup>st</sup> Plaintiff is in possession of the suit property. Accordingly, the issue No.2 is answered infavour of the Plaintiff.

**52.** It is true that the Plaintiffs claim absolute ownership through continuous uninterrupted possession for more than 60 years but denied the title of the 1<sup>st</sup> defendant or his vendor. When the Plaintiffs have specifically denied the title of the defendants, the claim of title through adverse possession is clearly inconsistent.

**53.** In light of the judgments cited hereinabove at paragraph No.46 to 48, this court finds that inconsistent pleas cannot be taken by a Plaintiffs denying ownership of defendant over the suit property, without clearly pleading who has title over the suit property and claiming right by way of adverse possession simultaneously. Thus, the Plaintiffs appears to have raised such mutually inconsistent pleas in this suit by denying the title of the defendants.

**54.** Further, this court is of the considered view that the Plaintiffs have failed to establish their animus possidendi as the title of the Defendants has been clearly denied. Therefore, in light of the judgments cited in paragraph No. 46 to 48 hereinabove, irrespective whether the Plaintiffs have been in long

continuous and uninterrupted possession of the suit property, with the knowledge of public and the defendants, in the absence of the animus possidendi, this Court concludes that the Plaintiffs have failed to establish their perfection of title by prescription.

55. Further, it is true that the Plaintiffs are found to be in possession of the suit property. However, the PW1 in his cross examination admits that

“வழக்கு தாக்கல் செய்த பின்பு என் தந்தை என் பெயருக்கு தாவா சொத்து குறித்து ஏதாவது ஆவணம் எழுதி வைத்தாரா என்றால் செட்டில்மெண்ட் ஆவணம் எழுதி வைத்துள்ளார். 10.06.2015ம் தேதி 1ம் வாதி 4 ம் வாதி பெயருக்கு செட்டில்மெண்ட் ஆவண எண். 3239/2015 எழுதி வைத்தார் என்றால் சரிதான் அந்த செட்டில்மெண்ட் ஆவணம் எழுதி வைத்ததை குறித்து நான் தாவாவை திருத்தம் செய்யவில்லை என்றால் சரிதான்.”

56. For reasons best known the plaintiffs have failed to bring the said settlement to the knowledge of this court despite amending the plaint in 2019 or adducing the evidence as PW1 in 2020. Thus, it is clear that the Plaintiffs have suppressed material facts about the title of the suit property, when he pleads for declaration of title as absolute owner.

57. Consequential to the findings hereinabove, though the possession of the Plaintiffs in the suit property is established, they have failed to establish title in the suit property independently or through prescription as alleged. There is no

pleadings or evidence to substantiate the due conveyance of title upon the 1<sup>st</sup> Plaintiffs. Hence, this court finds that the Plaintiffs have failed to establish the conveyance of title upon the 1<sup>st</sup> plaintiff and on his demise to the other plaintiffs. No person can convey a better title than that he has. The Plaintiffs having failed to discharge their onus of proof regarding the conveyance of title from their ancestors, this court holds that the Plaintiff is not entitled to the relief of declaration of title as prayed for.

**58.** Consequentially, this court finds that the 1<sup>st</sup> defendant had duly been conveyed the title as per the Ex.B2 Sale Deed for S.No.281/3. The title of his vendor is substantiated by the Ex.B1 Sale Deed read with Ex.B7 SLR extract and Ex.B11 Notice. The lack of adverse entry is also substantiated by Ex.B6 encumbrance certificate. In the absence of the Plaintiffs being able to establish their title, the Ex.B2 is a valid conveyance under Section 54 of the Transfer of property Act read with Section 17 of the Registration Act. The Plaintiffs having failed to establish that the properties are different, is bound by the Ex.B2 Sale Deed. Accordingly, the issue No.4 is answered in favour of the defendant.

**59.** This court finds that though the possession of the Plaintiffs is established, the ownership is found to be vested with the 1<sup>st</sup> defendant as per Ex.B2 Sale Deed and duly proved under Section 91 of the Indian Evidence Act. There can

be no permanent injunction against the true owner. This court also finds that the Plaintiffs have suppressed material facts regarding the title conveyance. Thus, this court considers that the conduct of the Plaintiffs suppressing material facts and having failed to establish conveyance of title upon them , does not warrant the exercise of the power in his favour regarding declaration and permanent injunction ought to be refused under Section 34 and 41(i) of the Specific Relief Act. Now the issue No.1 and 3 are answered accordingly against of the Plaintiffs.

**ISSUE NO.5: Other Relief**

**60.** As the Issue No.1, 3, 4 have been answered against the Plaintiff and this Court considers that both parties are not entitled to any other relief.

**61.** Considering the nature of the relief sought for, the dispute between the parties, relationship between them, this court considers that both the parties shall bear their own costs. Thus, Issue No.5 is answered accordingly.

**RESULT**

In the result, this suit is dismissed. No costs.

Dictated to the steno typist partly, who directly typed the same in her Computer and partly typed by me, corrected and pronounced by me in open court, this the 9<sup>th</sup> day of April 2026.

**PRINCIPAL DISTRICT MUNSIF  
KANCHEEPURAM.**

**Plaintiffs side Witness:**

PW1 - Chandrasekar (3<sup>rd</sup> Plaintiff)

**Plaintiffs side Exhibits:**

Ex.A1	Patta	Original
Ex.A2	Chitta	Original
Ex.A3	Kist Receipt	Original
Ex.A4	Name transfer order for Electricity connection	Original
Ex.A5	Field Map Sketch	True Copy
Ex.A6	EB card	Original
Ex.A7	Electricity receipts (2 nos)	Original
Ex.A8	Adangal	True Copy
Ex.A9	A Register	True Copy
Ex.A10	Patta	True Copy
Ex.A11	Patta	Original
Ex.A12	Chitta	Original
Ex.A13	Chitta	Original
Ex.A14	Death certificate of Dayalan	Original
Ex.A15	Legal heirs certificate	Original
Ex.A16	FIR	Original

**Defendants Side Witness :**

DW1 – Karunya Devi

**Defendants Side Exhibits:**

Ex.B1	Sale deed dated 07.12.1935	Online Certified copy
Ex.B2	Sale deed dated 24.01.1984	Online Certified copy
Ex.B3	Land Lease Agreement dated 17.01.2013	Original
Ex.B4	Will dated 18.11.2014	Online Certified copy
Ex.B5	Death certificate of E. Nageswara Rao dated 19.05.2015	Online copy
Ex.B6	Encumbrance certificate	Original
Ex.B7	S.L.R	Certified copy
Ex.B8	Letter dated 29.04.2013	Original
Ex.B9	Letter dated 03.09.2013	Original
Ex.B10	Letter dated 20.04.2013	Original
Ex.B11	Notice dated 27.06.1945	Original

**PRINCIPAL DISTRICT MUNSIF  
KANCHEEPURAM.**