<u>IN THE COURT OF PRINCIPAL DISTRICT MUNSIF</u>
<u>AT KANCHEEPURAM</u>

PRESENT: Tmt.Fanny Rajan, B.A., B.L.,(Hons)
Principal District Munsif, Kancheepuram

On Wednesday, the 22nd day of July 2026

<u>O.S.No. 257 of 2009</u>
<u>CNR. No.TNKP08-000171-2009</u>

1. Mrs. Sumathi
2. Mr.Mohan
3. Mr.Pannerselvam
4. Mr.Vijayan
5. Mr.Nagaraj ...Plaintiff

//Versus//

1. Govindasamy (died)
2. Mrs. Mageswari (Amended as per I.A.No. 6 of 2023 dated 24.03.2023)

Rep by her power of attorney S. Murugan

(Amended as per I.A.No. 10 of 2025 dated 29.10.2025) … Defendants

<u>O.S. No. 233 of 2016</u>

<u>CNR. No.TNKP08-000286-2016</u>

1. Govindasamy (died)
2. Mrs. Mageswari (Amended as per I.A.No. 4 of 2022 dated 24.03.2023)

…… Plaintiffs

//Versus//

1. Mrs. Sumathi
2. Mr.Mohan

3. Mr.Vijayan

4. Mr.Nagaraj

5. Mr.Shanmugam ….. Defendants

1. O.S.No. 257 of 2009: This suit has come up on 29.06.2026 for final hearing before me in the presence of M/s.M.B.Velmurugan, counsel for the Plaintiffs and M/s.V.Tamilarasu, J. Karpagam, V. Praveen counsel for the defendants, 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:

2. O.S. No. 233 of 2016 This suit has come up on 29.06.2026 for final hearing before me in the presence of M/s. V. Tamilarasu, J. Karpagam, V. Praveen counsels for the Plaintiffs and M/s. M.B.Velmurugan counsel for the defendants, 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:

COMMON JUDGMENT

3. OS No.257 of 2009: This suit is filed seeking to declare the suit property as a common passage and to grant permanent injunction restraining the defendant, his men, agents servants, attorneys and any other person acting on behalf of him from in any manner interfering with plaintiff's peaceful possession and enjoyment of the suit property and to pass such or other orders and for costs.

4. OS No.233 of 2016: This suit is filed seeking to grant permanent injunction in favour of the plaintiff restraining the defendants, their men and agent and hirelings from in anyway interfering with the plaintiff's peaceful possession and enjoyment of the suit property and to pass such or other orders and for costs.

OS No.257 of 2009 - Concise Statement of the Plaintiff as per the Plaint:

5. The plaintiff has averred that the suit property is a common passage attached with the plaintiffs' residential area in Survey No.941 admeasuring 2316.96 sq.ft. From the year 1994 onwards the defendant sold his land in the Survey No: 941, stating it as land allotted for residential purpose and sold it in small layouts to the Plaintiffs or their vendors through various Sale Deeds. Since purchase they are in possession of their respective portions.

6. Whileso, the 2nd and 4th plaintiffs have built houses obtained electricity & water connection and residing permanently. While, the other plaintiffs are taking efforts to built houses. Without any right, the defendant is trying to encroach the suit property and accumulating wastage therein obstructing the common passage. Also the wastage is emitting smell and has become a breeding ground for mosquitoes and poisonous reptiles and insects. On 24.07.2009 they lodged a police complaint and as it was refused, it was addressed to the local Panchayath which ended in vain.

7. The suit property passage is the only access to the Plaintiffs house and land and if it is blocked they have no other access. In the 3rd Plaintiff's registered Sale Deed, the suit property is admitted as a common passage. Even in the FMB sketch, the suit property is shown as common passage. Despite objection of the Plaintiffs, the Defendant is accumlating waste in the passage causing nuisance. On 24.07.2009 with the intention to grab the suit property, the defendant illegally tried to put up fence which was prevented and police complaint was lodged. As the defendant is an influential person, this suit for declaration and permanent injunction.

OS No.257 of 2009 - Concise statement of the defendants as per the written statement filed by the 1st and 2nd defendant and additional written statement filed by the 2nd defendant:-

8. During the pendency of the suit the 1st defendant died and the 2nd defendant was impleaded as his legal heir. The defendants had denied the allegations and averred that the suit property belongs to him and in his possession. He did not sell the same to the Plaintiffs. He executed sale deed only for the 1st and 5th Plaintiffs. All the Plaintiffs purchased the property as land and he did not sell as the residential plots. The same is evident from the sale deed which mentions land and irrigation facility.

9. He purchased the suit property in survey number 941/1A admeasuring 0.83 cents vide registered sale deed dated 14.08.1991. Thereafter he sold 0.12 cents, 0.21 cents, 6 ¾ cents , 0.15 cents, 0.10 cents , 12 ½ cents to Nalasankaran, Pattapiraman, Vijayan, Mohan, Selvam, Panneerselvam vide sale deed dated 03.02.1994, 04.04.1994, 17.05.1995, 06.06.1996, 06.06.1996, 27.01.1999 respectively. He retained the remaining 5 ¾ cents and obtained patta in his name.

10. They cannot claim his property as a common passage when it was mentioned in the sale deed. The Plaintiffs are causing unnecessary trouble. He also lodged a compliant with the Police when the Plaintiffs and their henchmen attacked him and his daughter while attempting to interfere in his possession. There is no cause of action. Hence the suit as to be dismissed.

<u>OS No.233 of 2016 - Concise Statement of the Plaintiff as per the Plaint:</u>

11. The plaintiff has averred that he purchased the suit property from Mrs.Poongavanam vide a registered Sale Deed dated 14.08.1991. Out of the purchased property, he sold 0.83 cents and retained the remaining 0.06 cents with him. Being in possession, he got Patta, Chitta and Adangal in his favour.

12. The defendants 1 to 4 are adjacent owners and 5th defendant is an utter stranger without any title or right in the suit property. The O.S.No.257 of 2009 filed against him for permanent injunction by the defendants 1 to 4 was dismissed for default. Since then and on 03.09.2016, the defendants have seriously encroached upon the suit property trying to put up a permanent structure and it was resisted. He lodged a police complaint but he was asked to approach the Civil court without a CSR. As they are influential and may again attempt using their muscle power, which he may not be able to resist. Hence this suit for permanent injunction.

O.S.No. 233 of 2016 - Concise Statement of the 1st defendant as per the Written statement:

13. The defendants have denied the allegations and averred that the defendants 1 to 4 alongwith one Mr.Pannerselvam purchased the properties directly from the Plaintiff or from persons who purchased from him on various dates. It was sold in 1994 by the Plaintiff forming a small layout in S.No.941 and sold as residential plots. The 2nd defendant and Mr. Pannerselvam built houses therein residing permanently obtaining electricity and water connection.

14. The 1 to 4 Defendants are using the suit property which was allotted as a common passage by the Plaintiff to reach their property without any disturbance. The same is specifically admitted by the Plaintiff in the registered Sale Deed of Mr.Pannerselvam and reflected in the FMB sketch. However, later the Plaintiff is creating trouble to the defendants from enjoying the common passage suit property. The Plaintiff has no right over the suit property.

15. On 24.07.2009, a police complaint was lodged but when they refused to interfere, O.S.No.257 of 2009 was filed and ad interim injunction was obtained, paving a cement road and in use till date. It is the only access from their house to the Dhamal Village and the Plaintiff suppressed the said fact, approached the court with unclean hands and filed this vexatious suit. There is no cause of action and the Plaintiff has no locus standi to file the suit. He has no exclusive possession. If the suit is not dismissed, they would suffer irreparable loss. Hence, the suit has to be dismissed with costs.

O.S. No. 257 of 2009 - Issues:-

16. On perusal of the plaint and written statement filed by the defendants, this Court framed the following issues on 16.02.2010.

(i) Whether the suit property is common passage as alleged by Plaintiff?

(ii) Whether the plaintiff is entitled for declaration that the suit property is common passage as prayed for?

(iii) Whether the plaintiff is entitled for permanent injunction restraining the defendants from interfering with the possession of the suit property as prayed for?

(iv) To what relief?

<u>O.S. No. 233 of 2016 - Issues:</u>-

17. On perusal of the plaint and written statement filed by the defendants, this Court framed the following issues on 12.01.2017.

(i) Whether the plaintiff is entitled the relief of permanent injunction as prayed for as against the defendants?

(ii) Whether the suit property is common passage to reach the defendants house?

(iii) Whether the earlier suit in O.S.No.257/2009 on the file of District Munsif Court, Kanchipuram is binding upon the parties of this case?

(iv) To what other reliefs?

<u>Evidences:-</u>

18. By an order dated 10.10.2018 joint trail was ordered in OS No.257 of 2009 and OS No.233 of 2016 based on the memo filed by the Plaintiffs in O.S.No.257 of 2009 and no objections recorded. Thereafter, the evidence was recorded in OS No.257 of 2009.

19. On the side of plaintiffs in O.S.No.257 of 2009 and defendants in O.S.No.233 of 2016, the 4th Plaintiff in O.S.No.257 of 2009 himself is examined as PW1, the 5th defendant in O.S.No.233 of 2016 as PW2, and a third party witness Village Administrative Officer as PW3 and Ex.A1 to Ex.A39 documents were exhibited on their side.

20. On the side of defendants in O.S.No.257 of 2009 and the Plaintiffs in O.S.No.233 of 2016, the Power Agent of the 1st defendant Mr.Murugan was originally examined as DW1. On demise of the 1st defendant, the 2nd defendant was impleaded and the same Murugan is again examined in his capacity as the power agent of the 2nd defendant as DW2 and Ex.B1 to Ex.B13 documents were exhibited on their side.

<u>Discussions and Findings:</u>

21. Upon perusal of records, it is noted that the Plaintiffs 1, 2, 4, 5 in O.S.No.257 of 2009 and Defendants 1, 2, 3, 4 in O.S.No.233 of 2016 are the same. The 3rd Plaintiff in O.S.No.257 of 2009 is not a party to O.S.No.233 of 2016. Similarly the 5th defendant in O.S.No.233 of 2016 is not a party to the O.S.No.257 of 2009. Whereas, the 1st defendant in O.S.No.257 of 2009 is the 1st Plaintiff in O.S.No.233 of 2016. After he died, the 2nd defendant in

O.S.No.257 of 2009 and the 2nd Plaintiff in O.S.No.233 of 2016 was impleaded as his legal heir.

22. This court notes that the O.S.No.257 of 2009 is for a larger relief of declaration regarding the issue of common passage and trial commenced by recording evidence in the said suit. Therefore, for the sake of convenience and easy reference, the Plaintiffs in O.S.No.257 of 2009 shall be referred as the Plaintiffs hereinafter. The 5th defendant (PW2) in O.S.No.233 of 2016 is referred as by his witness number as PW2 to avoid ambiguity. Whereas, the defendants 1 and 2 in O.S.No.257 of 2009 and the Plaintiffs in O.S.No.233 of 2016 would be referred as the defendants hereinafter.

23. This court has heard the submissions of the learned counsel for the Plaintiffs, PW2. As there was no oral and written submissions by the learned counsel for the defendants, based on the materials on record filed this court proceeds to pronounce this judgments, after perusal of the materials on record.

24. **Contention of the Learned counsel for the Plaintiffs and PW2:** It is the case of the Plaintiffs that the suit property originally belonged to the 1st defendant and there is no dispute regarding the same. The suit properties were sold to the Plaintiffs either directly or through the persons who purchased from him. There is no dispute regarding the ownership and possession of the Plaintiffs in their respective properties.

25. The dispute completely revolves around the common passage and the access to the Plaintiff's properties. The pathway is acknowledged by the 1st defendant himself in the Sale Deed executed in favour of 3rd Plaintiff Mr.Pannerselvam. It is also clearly exhibited in the FMB sketch. Omitting the sub divided properties sold by the 1st defendant, there is a clear depiction of the Pathway and a cement road is laid therein. It is substantiated by the PW3 evidence.

26. The 1st defendant having sold the properties in parts, should have provided access to the said plots. After sale of the plots, the 1st defendant cannot deny access through the pathway. Therefore, the 1st defendant cannot claim later that the pathway is not sold by him and still in his ownership and possession.

27. It is true that the 1st Plaintiff sold the property pending the suit, however that would not in any manner affect her right in the common passage. Any decision in this case in favour of the 1st Plaintiff would be binding on the subsequent purchaser. Therefore, the lack of impleading the subsequent purchaser and non filing of the Sale Deed would not in any manner affect the suit. Therefore, the suit in O.S.No.257 of 2009 has to be decreed and the O.S.No.233 of 2016 has to be dismissed.

28. **Case of the defendants:** From the defendant evidence, this court finds that it is the case of the defendants, the 1st defendant did not sell the suit property admeasuring 5 ¾ cents and retained the same in his possession and ownership. The mere sub division without the 1st defendant donating the said passage to the government and laying of road would not in any manner deny his title. The 1st defendant continues to be a owner of the passage in question and no person is entitled to disturb his possession without ownership or any right. Hence, the O.S.No.233 of 2016 has to be decreed and O.S.No.257 of 2009 has to be dismissed.

29. **Oral and Documentary Evidence:** This court finds that the Plaintiff evidence was commenced examining the PW1 on 03.08.2018. Therefore, this case is governed by the Indian Evidence Act, as provided under Section 170(2) of the Bharathiya Sakshya Adhiniyam.

30. This court finds that the 4th Plaintiff in O.S.No.257 of 2009 and 5th defendant in O.S.No.233 of 2016 were examined as PW1 and PW2. Whereas, the PW3 is the Village Administrative Officer of the Dhamal Village.

Therefore, there is no question regarding the admissibility of PW1, PW2 and PW3 oral evidence.

31. Whileso, the DW1 was examined as the Power Agent of 1st defendant and no documents were marked through him. Whileso, pending for marking of documents, the 1st defendant died. Even before completion of the chief examination of DW1 as power agent of 1st defendant, the 1st defendant died. Thus the DW1 evidence was closed as the power agent cannot continue to give evidence on behalf the deceased principal. This court finds that only proof affidavit of DW1 was filed on 07.12.2020 and posted for marking of documents. Thereafter I.A.No.3 of 2020 petition to receive documents was filed on behalf of the 1st defendant and pending the said petition itself, the 1st defendant died. Thereby the power granted to the DW1 had become ineffective.

32. Therefore, except for filing proof affidavit of DW1, there is no closure of chief examination, the Plaintiffs and PW2 did not have an opportunity to cross examine the DW1. Under such circumstances, this court finds that no weightage can be adduced to the DW1 evidence as Power agent of 1st defendant and has lost itself probative value.

33. Whileso, after the impleading of the 1st defendant's legal heir the same Murugan, the power agent of 1st defendant was authorised to represent the 2nd defendant after due leave from court. Hence, he was examined as DW2 in chief through proof affidavit and marked Ex.B5 to Ex.B13. It is noted that the Power of Attorney in favour of the said DW2 is not marked as an exhibit. The power agent was permitted to represent the 2nd defendant through the order dated 14.06.2024 in I.A.No.7 of 2024. As there is no objection regarding the lack of the said deed by the Plaintiffs and PW2, this court considers that the lack of exhibiting the Power of Attorney deed has not affected the probative value. Further, the DW2 is the son of the 2nd defendant and grandson of the 1st defendant. Thus, the DW2 evidence is admissible and the evidentiary value is discussed hereinbelow.

34. This court finds that Ex.A20, Ex.A32, Ex.A37, Ex.A39 are all photographs filed by the Plaintiffs. The Ex.A20, Ex.A32 and Ex.A37 were marked through the Plaintiff witness. The Ex.A39 were marked through the DW2 cross. No objections were recorded in respect of the marking of Ex.A37. Whereas, the Ex.A20, Ex.A32 and Ex.A39 was marked subject to objection.

35. This court finds that there is no negative annexed with the photographs. The photographs in Ex.A32 and Ex.A39 are accompanied with the Bill from the studio. The Ex.A39 is filed with a pendrive. The Ex.A20 and Ex.A32 is without any CD. The Ex.A37 is filed with CD. No 65B certificate has been filed for the said exhibits either along with the document or during pendency of the suit till this date.

36. The photographs being digital, it is admissible in evidence as electronic evidence only when accompanied by a 65B certificate or produced in original, as mandated and held by the Hon'ble Supreme Court in ***Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal and others, (2020) 7 SCC 1.*** In the instant case, the said Ex.A20, Ex.A32, Ex.A37, Ex.A39 are not accompanied with a 65B certificate or the negative and also not produced in original, this court is of the considered view that the same is not admissible in either as an electronic evidence or primary evidence. Hence, this court concludes that the Ex.A20, Ex.A32, Ex.A37, Ex.A39 is not admissible in evidence.

37. The Ex.A1 to Ex.A19, Ex.A21 to Ex.A31, Ex.A33 to Ex.A36, Ex.A38, Ex.B1 to Ex.B13 are produced in original, certified copy and hence all are admissible in evidence as primary or secondary evidence under Section 64 and 65 of the Indian Evidence Act. The Ex.A4 and Ex.B1 are the original and certified copy of the same Sale Deed dated 05.05.2003. Similarly, the Ex.B3 and Ex.B11 are the certified copies of the same Sale Deed dated 03.05.2018 executed by the 1st Plaintiff in favour of Mr.Selvarathinam. The Ex.B4 and Ex.B7 are the patta in favour of the 1st defendant. Hence, this court finds that the evidentiary value of the oral evidence of PW1, PW2, PW3, DW2 and documentary evidences Ex.A1 to Ex.A19, Ex.A21 to Ex.A31, Ex.A33 to Ex.A36, Ex.A38, Ex.B1 to Ex.B13 are discussed hereinbelow.

38. **<u>Facts not in dispute:</u>** Before going into the merits of the dispute at hand, this court proceeds to identify the facts not in dispute between the parties. The fact that the 1st defendant purchased the suit property in S.No.941/1A admeasuring 0.83 cents from one Mrs.Poongavanammal through the Ex.B5 Registered Sale Deed dated 14.08.1991. To show the title of the said Mrs.Poongavammal the Ex.B6 Registered Sale Deed dated 29.07.1975 is filed. This court finds that there is no dispute on the fact that the 1st defendant owned the suit property before sale.

39. The 1st defendant has specifically admitted in his written pleadings that

> "இந்த பிரதிவாதி தாவா இடத்தையும் வாதிகளுக்கு கிரையம் கொடுத்த இடத்தையும் கடந்த 14.08.1991ம் தேதிய ஒரு பதிவு பெற்ற கிரையப் பத்திரம் முன்னிலைக்கு சர்வே எண் 941/1எ ல் 0.83 சென்ட் நிலத்தை கிரையம் பெற்று கிரையம் பெற்ற நாள் முதல் அனுபவித்து வந்து மேற்படி சொத்தில் 03.02.1994ம் தேதியில் நளசங்கரன் என்பவருக்கு 0.12 சென்டும் 04.04.1994ம் தேதியில் பட்டாபிராமன் என்பவருக்கு 0.21 சென்டும். கடந்த 17.05.1995ம் தேதியில் விஜயன் என்பவருக்கு 6 3/4 செண்டும்

கடந்த 06.06.1996ம் தேதியில் மோகன் என்பருக்கு 15 சென்டும் செல்வம் என்பவருக்கு 0.10 சென்டும், 27.01.1999ம் தேதிய கிரையப்பத்திரம் முன்னிலைக்கு பன்னீர்செல்வம் என்பவருக்கு 12.1/2 சென்ட் நிலம் கிரையம் கொடுத்தது போக மீதம் உள்ள 5 3/4 சென்ட் நிலத்தை இதுநாள் வரை இந்த பிரதிவாதியே அனுபவித்து வந்து அவர் பெயரில் பட்டா மாற்றம் செய்தும் அனுபவித்து வருகின்றார். ”

40. The defendants had not categorically denied the fact that the Plaintiffs had purchased the part of the S.No.941/1A either directly or through the purchasers of the 1st defendant. The Ex.A1, Ex.A4/Ex.B1, Ex.A7, Ex.B2 are the Sale Deeds dated 27.01.1999, 05.05.2003, 06.06.1996, 14.07.1999 in favour of the 3rd Plaintiff, 1st Plaintiff, 2nd Plaintiff and 5th plaintiff. The execution of these sale deeds and the ownership of the Plaintiffs, their vendors or purchasers is not disputed.

41. The main bone of contention between the parties is the common passage admeasuring 195.03 ft in length and 11.88 ft in breadth admeasuring 2316.96 sq.ft. in S.No.941. Hence, this court finds that the facts not in dispute are deemed to be admitted and does not require specific proof as per Section 58 of the Indian Evidence Act.

Issue No. 1 in OS No.257 of 2009 and Issue No.2 in OS No. 233 of 2016: Common Passage

42. FMB sketch: This court finds that the Plaintiffs, PW2 have chosen to the place heavy reliance on the Ex.A19, Ex.A38 is the FMB sketch for S.No.941. Ex.A19 is the FMB sketch filed by the Plaintiff and Ex.A38 is the FMB sketch filed by the PW3 Village Administrative officer. Whileso, the Ex.B10 filed by the defendants is the FMB sketch of S.No.941/1A dated 12.08.1993. Clearly, the FMB sketch in Ex.B10 is before the sale of the properties in S.No.941/1A by the 1st defendant in 1994 onwards. Hence, the said Ex.B10 would not assist the case of the defendants.

43. This court considers that the disputed portion of passage is a part of S.No.941/1A as per the 1st defendant. According to the defendants, the 1st defendant sold his property in S.No.941/1A to 6 persons and retained the remaining 5 ¾ cents to himself. This court finds that the said Survey number 941/1A is subsequently subdivided as 941/1A1B, 1A1A, 1A2, 1A1C, 1A1D, 3, 4. This factum is not disputed or denied by the defendants.

44. In between the survey numbers 1A1B, 1A1A, 3 and 1A2, 1A1C, 1A1D, 4 there is a 3.6 meter portion left vacant without giving any subdivision. The PW3 the Village Administrative Office clearly deposed that this 3.6 meter is the

"கிராம தெரு சாலை". The length of the said portion is approximately 180 feet and breadth 3.6 meters, i.e. 11.8 feet. He further stated that there is a cement road in this portion. He also indicated that there are houses in S.No.941/1A2, 1A1C, 1A1D and this passage is used to access their respective properties. This court finds that in light of Ex.A19, Ex.A38 FMB sketch and the PW3 deposition it is evident that there is a passage as described in the suit schedule of O.S.No.257 of 2009.

45. 1st Plaintiff Title and Revenue documents: Whileso, the 1st Plaintiff herein had purchased the suit property through the Ex.A4/ Ex.B1, Sale deed dated 05.05.2003. It is noted the Ex.A4 is the original Sale Deed and the Ex.B1 is only a certified copy. As per the said Sale deed, one Mrs. Selvi sold 0.10 cent in old S.No.941/1A1, new S.No.941/1A1C to the 1st Plaintiff. The schedule of the deed indicates the property with the new sub division number. It clearly established that on the date of the purchase by the 1st Plaintiff, her property was a vacant house site. It is noted that the defendants have not denied the conveyance of title to the 1st Plaintiff.

46. This court finds that the defendants have placed reliance on Ex.B3 and Ex.B11 the certified copies of the Sale Deed dated 03.05.2018 executed by the 1st Plaintiff infavour of Selvarathinam. It is noted that the Ex.B3 Sale Deed was marked through the PW1 cross examination on 11.12.2018. This court finds that there is no pleadings in the written statement of the 1st and 2nd defendant or the additional written statement of the 2nd defendant filed on 26.02.2026 which was filed subsequent to Ex.B3 being marked. Hence, in the absence of any pleadings no amount of evidence can be entertained, as per the well established principle of law. When there is no dispute regarding the ownership of the 1st plaintiff in S.No.941/1A1C on the date of the suit, this court finds that the Ex.B3 and Ex.B11 would not assist the defendant's case in any manner.

47. The Ex.A5 and Ex.A6 are the patta and adangal in the name of the 1st Plaintiff. In the adangal dated 13.07.2009, the property in S.No.941/1A1C is mentioned as a "**மனை**". Ex.A24, Ex.A25, Ex.A30 are the house tax receipt and water tax receipt, water charges card dated 23.07.2016 of the 1st Plaintiff. Thus, the Ex.A4, Ex.A5 and Ex.A6 clearly establish the title and possession of the 1st Plaintiff in S.No.941/1A1C on the date of the suit.

48. 2nd Plaintiff Title and Revenue documents: The Ex.A7 is the sale deed dated 06.06.1996 executed by the 1st defendant infavour of the 2nd Plaintiff for 0.15 cents in S.No.941/1A. This court notes that in the said schedule, it is mentioned that the property sold is a **நஞ்சைநிலம்**. However, there is no specific mention about the 1st defendant carrying out any agricultural activity in the said property or any relevant clause regarding the irrigation rights. There is no evidence produced by the 1st defendant regarding the property being used for agriculture on the date of sale.

49. In fact, the property of the 2nd Plaintiff has been subdivided as 941/1A1D and Patta no.784 Ex.A8 was issued. The Ex.A9 Adangal dated 03.08.1998, there is a clear mention that the S.No.941/1A1D is designated as a House Site. Whileso, the Ex.A36 adangal dated 13.07.2009 clearly indicates the S.No.941/1A1D as a "**தளம் வீடு தோட்டம்**".

50. This court finds that the Ex.A11 is the Electricity card and Ex.A12 is the Electricity Charges receipt dated 14.07.2009 are in his name. Whileso, the Ex.A21 and Ex.A22 are the house tax receipt and water tax receipt dated 01.02.2016 of the 2nd Plaintiff. Thus the title and possession of the 2nd Plaintiff in the S.No.941/1A1D is clearly established.

51. Whereas, the Ex.A27 and Ex.A28 are the house tax receipt and water tax receipt dated 03.07.2018 of the 2nd Plaintiff and subsequent to both the suit. Hence, the Ex.A27 and Ex.A28 would not assist in establishing possession.

52. 3rd Plaintiff Title and Revenue documents: This court finds that the Ex.A1 is the Sale Deed dated 27.01.1999 in favour of the 3rd Plaintiff

Mr.Pannerselvam. In the said sale deed, the 1st defendant had sold 5450 sq.ft in Old S.No. 941/1A, new S.No.941/1A1. The said 5450 sq.ft. is divided as 1744 + 3706 sq.ft.

53. While describing the boundaries of the said 1744 sq.ft. and 3706 sq.ft., it is specifically mentioned as "**வடக்கு தெற்காக 18 லிங்ஸ் அகலத்தில் அமைந்துள்ள வழி நடைப்பாட்டைக்கு (மே)**" and "**மேற்படி நம்பரிலேயே மேற்கண்ட வழி நடை பாட்டைக்கு (கி)**". The 1st defendant is a signatory to this Sale Deed and was clearly aware of the pathway. The said sale deed clearly mentions the S.No.941/1A1 as a vacant site.

54. This court finds that the defendants during PW1 cross examination elicited the following answers

> "**3ம் வாதியின் கிரைய பத்திரத்தை நான் பார்க்கவில்லை. தாக்கல் செய்யவும் இல்லை. அவர் எவ்வளவு விஸ்தீரணம் கிரையம் வாங்கினார் என்றும் எனக்கு தெரியாது. அதை பற்றி இவரிடமும் நான் கேட்கவில்லை. 3ம் வாதி சம்மந்தப்பட்ட விவரங்கள் எனக்கு தெரியாது 3ம் வாதியை நீதிமன்றத்திற்கு என்னால் அழைத்துவர முடியாது. அவர் இந்த வழக்கை நடத்தவேண்டாம் என்று சொல்லிவிட்டார் என்றாலும் அதை மீறி நடத்தி வருகிறேன் என்றாலும் சரியல்ல. அவரை தான்**

கேட்கவேண்டும். 3ம் வாதி எங்களுடன் வராததால் அவரை இந்த வழக்கலிருந்து நீக்கம் செய்ய என் வழக்கறிஞரை கேட்டு நடவடிக்கை எடுக்கிறேனா என்றால் அவரை தான் கேட்க வேண்டும்."

55. This court considers that the Ex.A1 is the Sale Deed of the 3rd Plaintiff and produced in original. It is true that the 3rd Plaintiff was not examined as a witness. However, the lack of examination of the 3rd Plaintiff alone is not sufficient to draw any adverse inference. The original Sale Deed of the 3rd Plaintiff is marked as Ex.A1. In the absence of any contra evidence, the production of original sale deed is sufficient to indicate the willingness of the 3rd Plaintiff to proceed with the suit.

56. This property purchased by the 3rd Plaintiff was subsequently subdivided as 941/3, 941/4, as seen from Ex.A19 FMB Sketch. The Ex.A2 patta no.308 and Ex.A3 adangal was issued the said Mr.Panneerselvam. In the adangal dated 13.07.2009, the said property in S.No.941/3 and S.No.941/4 is mentioned as "**மனை**". Thus clearly showing the title and possession of the 3rd Plaintiff in S.No.941/3 and 941/4.

57. Whereas, the Ex.A26, Ex.A31 are the water tax receipt and house tax receipt, water charges card dated 23.07.2016 in the name of Duraipandi son of

Mr.Panneerselvam. It is pertinent to note that there is no pleadings regarding how the said document in name of Mr.Duraipandi devolved and why it is relevant to prove the 3rd Plaintiff's possession. Hence, this court considers that these Ex.A26, Ex.A31 are not assisting the case of the Plaintiffs.

58. 4th Plaintiff Title and Revenue Documents: The Ex.A13 is the patta in the name of 4th Plaintiff and PW1 Mr.Vijayan in respect of S.No.941/1A1B. The Ex.A14 is the adangal dated 25.07.2009 in his name wherein it is mentioned as "**வீடும் மனையும்**". The Ex.A15, Ex.A16, Ex.A17, Ex.A18 are the water charges receipt dated 07.08.2006, house tax receipt dated 07.08.2006, E.B card, Electricity receipt dated 06.07.2009 in the name of the 4th Plaintiff. The execution of the Sale Deed by the 1st defendant in favour of the 4th Plaintiff is specifically admitted by the 1st defendant in his written statement of O.S.No.257/2009 and thus there is no need to prove the same as per Section 58 of the Indian Evidence act. Thus the title and possession of the 4th Plaintiff in the S.No.941/1A1B on date of suits is proved.

59. 5th Plaintiff Title and Revenue Documents: The Ex.B2 is the sale deed dated 14.07.1999 executed by one Mrs.Panjalai and others infavour of the 5th Plaintiff for S.No.941/1A2 admeasuring 21 cents. The recitals in the said deed clearly mention that the said property is purchased from Mr.Pattabiraman vide a registered Sale Deed dated 19.03.1997. The 1st defendant had already admitted execution of the Sale Deed to Mr.Pattabiraman. Hence, there is no cloud over conveyance of title upon the 5th Plaintiff. The mere fact that the Sale Deed of 5th Plaintiff is not filed on the side of the Plaintiff would not affect his case, as there is no cloud over conveyance of title from the 1st defendant to his purchasers and their subsequent sale deeds.

60. In fact the PW1 specifically stated that he purchased the property as a house site. It is true that the PW1 did not file his sale deed, but the defendants marked the same through PW1 cross examination. The lack of marking the Sale Deed has not affected the Plaintiffs case, as the defendants have produced the same and necessary cross examination opportunity was granted to the Defendants. Hence, no inference can be made for the lack of production of Sale Deed.

61. In the said Ex.B2 Sale Deed the boundary is mentioned as **"டி.என்.கோவிந்தசாமி தாம் போக்குவரத்துக்கு அமைத்துள்ள வழி நடை சாலைக்கு கிழக்கு**". Whereas, the Ex.A23, Ex.A29 dated 23.07.2016 is the house tax receipt and water tax receipt, water charges card of 5th Plaintiff. Thus, clearly substantiating ownership and possession of the 5th Plaintiff.

62. Other Plaintiff documents: Whileso, the Ex.A10 is the house tax receipt in the name of one Mr.R.Saravanan. Similarly Ex.A33, Ex.A34, Ex.A35 are the house tax receipt, water charges receipt, water charges card in the name of one Mrs.Veerammal. The said Mr.R.Saravanan and Mrs. Veerammal are neither the Plaintiffs nor the defendants in both the suits. There is no clarity regarding how the said Ex.A10, Ex.A33, Ex.A34, Ex.A35 are relevant for the issue at hand without due pleadings. Hence, this court finds that the Ex.A10, Ex.A33, Ex.A34, Ex.A35 does not assist the case of the Plaintiffs.

63. Defendants documents: The factum of the ownership of the 1st defendant through the Ex.B5 Sale Deed and that of his predecessor in title Mrs.Poongavannammal in Ex.B6 Sale Deed are not disputed. The Ex.B8 is the Chitta in favour of Mrs.Poongavanammal dated 12.08.1993 and Chitta in favour of the 1st defendant dated 23.08.1993. Ex.B9 is the Adangal in favour of Poongavanammal. Thus, it is clear that the title of the said 1st defendant or his predecessor and the conveyance of title in parts of S.No.941/1A to different purchasers i.e. the Plaintiffs directly or to the vendors of the Plaintiffs is not in dispute.

64. Whileso, he claims to have continued his title in S.No.941/1A1A and in possession as seen from the Ex.B4 and Ex.B7 are the Patta of the 1st defendant for S.No.941/1A1A. In the written statement in O.S.No.257 of 2009, the 1st defendant pleaded that after sale of all his properties, he retained 5 ¾ cents out of the 0.83 cents purchased by him. However, as per the 1st defendant in the Plaint of O.S.No.233 of 2016, he had sold the property of 0.83 cents and retained 6 cents. Whereas, the Ex.B5 Sale Deed reflects the 1st defendant purchasing only 0.83 cents.

65. There is a clear contradiction between the portion retained by the 1st defendant whether 5 ¾ cents as pleaded in the written statement in O.S.No.257 of 2009 and 6 cents in the Plaint of O.S.No.233 of 2016. Apart from that even in the Ex.A1 Sale deed executed by the 1st defendant himself, he clearly mentioned as the **வழி நடை பாட்டைக்கு.** Thus, when the 1st defendant admits that there is a pathway, there is no basis for claiming ownership in the portion of land which he himself mentioned as a pathway in the Sale Deeds.

66. The Patta is for 7.50 ares which is around 18.53 cents. It is not known as to how there is a patta for 18.53 cents in favour of the 1st defendant, as even as per his case, he only retained under 6 cents of land. There is no clarity regarding the ownership of the 1st defendant after he sold his property in portions.

67. Whileso, the DW2 himself admits that

"**அந்த வழி நடைப்பாதையில் தான் வாதிகளின் வீட்டிற்கான மின் கம்பம் அமைக்கப்பட்டு மின் இணைப்பு ஒயர்கள், குடிநீர் இணைப்பு பைப்புகள் செல்கிறது என்றால் சரிதான். அந்த வழி நடைப்பாதையில் திருவிழாவின் போது சாமி ஊர்வலம் செல்லக்கூடாது என்று எனது பாட்டனார் தடை செய்தார் என்றால் சரிதான். ஆனால் தற்போது வரை அந்த வழி நடைப்பாதையில் சாமி ஊர்வலம் செல்கிறது என்றால் சரிதான்.**"

68. From the DW2 evidence it is clearly found that the property in question is clearly used as a passage and used by the Plaintiff. Thus, there is no clarity regarding the ownership of the 1st defendant in the S.No.941/1A1A as pleaded. The Patta in favour of the 1st defendant would not prove his title in the S.No.941/1A1A to the extent of 0 – 7.50 ares without clarity regarding the portion retained by him after sale to other parties.

69. Common Passage: From the discussions hereinabove, this court finds that the S.No.941/1A purchased by the 1st defendant through Ex.B5 Sale Deed has been sold by him in parts. The Plaintiffs 1 to 5 had purchased S.No.941/1A1D, S.No.941/1A1C, S.No.941/3 and S.No.941/4, S.No.941/1A1B and S.No.941/1A2.

70. The sub divisions are substantiated by the PW3 Village Administrative officer evidence, Ex.A19 and Ex.A37 FMB sketch. In fact the Ex.A37 FMB sketch revealed that the Sub division as 1A1A, 1A1B, 1A1C, 1A1D had happened as early as 20.05.1998. In the said FMB there is clear description of the suit pathway as mentioned hereinabove at paragraph No. 42 to 44.

71. In fact the existence of the said passage is admitted by the 1st defendant himself in the Ex.A1 Sale deed dated 27.01.1999 in favour of the 3rd Plaintiff. Also in the Ex.B2 Sale Deed dated 14.07.1999 in favour of the 5th Plaintiff, the road formed by the 1st defendant is acknowledged. Though the 1st defendant takes a stand that he sold the property as nanjai properties for irrigation, the Ex.A1 Sale Deed was executed after the sub division for S.No.941/1A as S.No.941/1A1 which clearly proves that the properties were sold by the 1st defendant as house properties. In the Ex.B9 Adangal also there is no mention about any farming in the relevant S.No.941/1A. The same is also substantiated by the Ex.A3, Ex.A6, Ex.A9, Ex.A14, Ex.A36 adangals.

72. Though the defendants claim to have retained the 5 ¾ cents, it is noted that except this suit pathway there is no other access to the Plaintiffs property. The suit property is the only access as admitted by the DW2 himself in his cross examination

"வாதிகள் அனைவரும் மெயின் ரோட்டிற்கு செல்ல வேண்டும் என்றால் மேற்சொன்ன வழிநடைப்பாதை வழியாக வந்து வெங்கட்ராயன்பேட்டை தெருவில் நுழைந்து பின்னர் தான் மெயின் ரோட்டை அடைய முடியும் என்றால் சரிதான்."

73. Further, though the 1st defendant has claimed ownership over this pathway, he does not clarify why the said portion alone was retained without sale to the Plaintiffs' or their predecessors. Further, there is no document to show where is this pathway described in Ex.A1 and Ex.B3 Sale Deed. There is also no evidence to show if this pathway and the property in which defendants claim ownership are different.

74. The PW3 Village administrative officer also substantiated the existence of the pathway and it being the only access to the Plaintiff's property. Despite detailed cross examination of PW1 and PW2, this court finds that the defendants could only elicit answers regarding the fact that the suit property passage was not a part of the conveyance deeds. But no contradiction could be elicited to the fact that the said passage is the only access to the property sold either by the 1st defendant or his purchasers/successors by sale. There is no single evidence to show that there is any other alternate access to the Plaintiff's property.

75. Accordingly, from the above discussions this court concludes that the Plaintiffs have discharged their burden of proof under Section 102 and 103 of the Indian Evidence Act regarding the existence of the suit property passage and the only access to Plaintiff's property. Resultantly the issue No.1 in O.S.No.257 of 2009 and issue No.2 in O.S.No.233 of 2016 are answered in favour of the Plaintiffs.

76. Issue No.2 in O.S.No.257 of 2009 – Declaration: This court takes into consideration whether there is a necessity to declare the suit property as a common passage. An easement by necessity is a legal right that grants access to a land locked property through a neighbour's land, created when a larger parcel is divided and one part is left without a public road or other access. Hence, an easement by necessity is a legal right that arises out of practical necessity.

77. It allows an individual to access another property owners land in order to enjoy their own property. This easement is based on the principles that land locked properties must have access and lasts only as long as the necessity exists. This easement is automatically withdrawn or extinguished if an alternative access become available. Therefore, easements by necessity are created out of need when accessing one's own property requires crossing another's.

78. In this case, admittedly the properties adjacent to the suit property passage were originally owned by the 1st defendant and sold in portions to other person. The present Plaintiffs have purchased from this 1st defendant or from the person to whom he sold the property. It is true that the pathway was not gifted to the government. However, the existence of the said passage, the cement road therein is clearly found in issue No.1 of O.S.No.257 of 2009 hereinabove. The Plaintiffs have proved that the suit property is common passage and the only access to the Plaintiff's property. The suit property passage is duly defined and substantiated by the PW3 evidence and Ex.A19 and Ex.A37 FMB sketch. There is no alternate access to the Plaintiffs' property and duly pleaded.

79. This court finds that the Plaintiffs have proved that their property belonged to a common owner, and by virtue of transfer in parts, the common ownership has been divided into various tenements, the subsequent purchasers have no access to their portions without the passage in question. This court opines that if the suit property is not declared as a common passage, there is every chance that the ingress and egress to the Plaintiffs properties would be disturbed.

80. Consequently, this court considers that the Plaintiffs are entitled to a easement of necessity under Section 13 of the Easements Act. Therefore, this court holds that the Plaintiffs have discharged their onus of proof and entitled to the relief of declaration under Section 34 of the Specific Relief Act. Accordingly, issue No.2 in O.S.No.257 of 2009 is answered in favour of the Plaintiffs.

81. Issue No.3 in O.S.No.257 of 2009 - Permanent Injunction: It is a well laid down law of the land, that there cannot be any perpetual injunction under Section 38 of the Specific Relief Act, until the Plaintiff has to duly explain and substantiate the alleged threat of dispossession and the loss caused to him or the manner in which it is not compensatable in terms of money or how it avoid mulitiplity of judicial proceedings.

82. The case of the Plaintiffs is that the 1st defendant tried to obstruct the suit property common passage by dumping garbage therein. The dispute between the parties is blatantly evidenced from DW2 admission that

> “எனது பாட்டனாரிடம் இருந்து வாங்கிய சொத்தில் வாதிகள் 4 பேர் வீடு கட்டியுள்ளனர், மீதம் காலியாக உள்ளது. நாகராஜ் (5ம் வாதி). ரகு. மோகன் (2ம் வாதி), விஜயன் (4ம் வாதி), பன்னீர்செல்வம் (3ம் வாதி) வீடு கட்டியுள்ளார். தாவா சொத்தில் இருந்து எனது வீடு எவ்வளவு தூரம் இருக்கும் என்றால் சுமார் 300 மீட்டர் இருக்கும் எங்களது வீட்டின் குப்பைகளை எனது

பாட்டனார் சொத்தை விற்றதற்கு பிறகும் மேற்சொன்ன வழி நடைப்பாதையில் தான் கொட்டி வந்தோம் என்றால் சரிதான். அது சம்மந்தமாக 2009ல் காவல் நிலையத்தில் புகார் கொடுக்கப்பட்டது என்றால் சரிதான் ”

83. As the cause of action for the O.S.No.257 of 2009 is admitted by the DW2 himself, this court considers that if there is no decree regarding permanent injunction there is every chance that the Plaintiffs access to their respective portion through the suit property passage may be disturbed. As most of the plaintiffs have already constructed a house therein, without access to the same, it would be prejudicial to the enjoyment of their properties.

84. On careful analysis of the oral and documentary evidences hereinabove, this court decides that the plaintiffs having established in the adjacent properties their title and the lack of authority on the part of the defendants to interfere with the common passage, the plaintiffs are entitled to a decree of permanent injunction. Hence, this Court comes to the conclusion that the plaintiff is entitled to the relief as prayed for. Now the issue No.3 in O.S.No.257 of 2009 is answered accordingly in favour of the Plaintiff.

85. Issue No.1 and 3 in O.S.No.233 of 2016: This court finds that the suit schedule is

"நாங்கள் 2016ல் வழக்கு தாக்கல் செய்யும் போதே பிரச்சனைக்குரிய இடத்தை பிரதிவாதிகள் ரோடுபோட்டு அனுபவித்து வருகிறார்கள் என்று சொன்னால் நடைப்பாதையாக பயன்படுத்தி வந்தார்கள் ரோடு பின்னர் தான் போடப்பட்டது. எங்களது வழக்கை நாங்கள் 6 சென்ட் இடத்தை பொறுத்து மட்டும் தாக்கல் செய்தோம். அதற்கு ஜக்குபந்திகளோ மற்ற அளவீடுகளோ குறிப்பிடப்படவில்லை என்றால் சரிதான்.
காஞ்சியுரம் மாவட்டம், காஞ்சிபுரம் வட்டம் காஞ்சிபுரம் ஊராட்சி ஒன்றிய எல்லைக்கு உட்பட்ட தாமல் சார்பதிவக எல்லைக்கு உட்பட்ட நெ.1 தாமல் கிராமம் அயன் புஞ்சை சர்வே 941/1ஏ புதிய சர்வே எண் 941/1ஏ 1ஏ மொத்த விஸ்தீரணமான 0.83 சென்டில் 0.06 சென்ட் நிலம் இந்த வழக்கு சொத்தாகும்."

86. Thus, clearly the dispute in this case relates to 6 cents in S.No.941/1A1A. It is true that the Ex.B4 and Ex.B7 patta stand in favour of the 1st defendant for S.No.941/1A1A for 0 – 7.50 ares, i.e. approximately 18.53 cents. As already held hereinabove at paragraph No. 63 to 68, there is no clarity regarding the title of the 1st defendant in respect of the suit property. Also this 6 cents is not clearly identified and described with the boundaries and linear measurements.

Thus, it is evident that the suit property in which the defendants are claiming right is the common passage and there is no property left after the sale by the 1st defendant.

87. This Court had found that the issue No.1 to 3 in favour of the Plaintiffs in O.S.No.257 of 2009 and held that the suit property is a common passage. The defendants herein are parties to the O.S.No.257 of 2009. Therefore, the decree of declaration in favour of the Plaintiffs in O.S.No.257 of 2009 is clearly binding on the defendants as they are parties to the suit and it is a judgment in personam. Issue No.3 in O.S.No.233 of 2016 is accordingly answered against the defendants and in favour of the Plaintiffs and PW2.

88. Under such circumstances, this court holds that the defendants have failed to establish their right in the suit property. Therefore, the Ex.B12 legal notice issued by the 1st defendant to the 1st Plaintiff and Inspector of Police, Baluchettychatram on 11.01.2017 and Ex.B13 is the acknowledgment card for the said legal notice would not assist the case of the defendants.

89. Consequently, this court concludes that the defendants have failed to discharge their onus of proof under Section 101 and 102 of the Indian Evidence Act to establish their title, right and lack of authority of the Plaintiffs in the suit property. Consequently, this court holds that the defendants are not entitled to the relief of permanent injunction as prayed for. Accordingly, the issue No.1 in O.S.No.233 of 2016 is answered against the defendants.

Issue No.4 in OS No.257 of 2009 and Issue No.4 in OS No.233 of 2016: Other reliefs

90. As the Issue No. 1 to 3 in OS No.257 of 2009 and issue No.1 to 3 in OS No.233 of 2016 have been answered in favour of the Plaintiffs, PW2 and against the defendants, this Court considers that the parties are not entitled to any other relief.

91. Considering the nature of the relief sought for and parties being neighbours, this court concludes that both the parties shall bear their own costs.

RESULT

92. O.S.No.257 of 2009: In the result, this suit is decreed without costs,

i) a decree of declaration is granted in favour of the Plaintiffs declaring that the suit property is a common passage.

ii) a decree of permanent injunction is granted in favour of the Plaintiffs restraining the defendants, his men, agents servants, attorneys and any other person acting on behalf of him from in any manner interfering with plaintiffs' peaceful possession and enjoyment of the suit property common passage.

iii) The parties shall bear their own costs.

93. O.S.No.233 of 2016: 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 22nd day July 2026.

FANNY RAJAN
Principal District Munsif, Kancheepuram
Digitally signed by FANNY RAJAN

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.

Plaintiff's side Witness:

PW1 – Nagaraj (5th Plaintiff)
PW2 - Shanmugam (The 5th defendant in O.S. No. 233 of 2016)
PW3- Umaesh (VAO)

Plaintiff's side Exhibits:

Ex.A1	Sale deed dated 27.01.1999	Original
Ex.A2	Patta	Original
Ex.A3	Adangal	Original
Ex.A4	Sale deed dated 05.05.2003	Original
Ex.A5	Patta	Original
Ex.A6	Adangal	Original
Ex.A7	Sale deed dated 06.06.1996	Original
Ex.A8	Patta	Original

Ex.A9	Adangal	Original
Ex.A10	House tax receipt	Original
Ex.A11	EB card	Original
Ex.A12	EB receipt	Original
Ex.A13	Patta Doc. No. 782	Original
Ex.A14	Adangal Doc. No. 1418	Original
Ex.A15	Water charges receipt dated 07.08.2006	Original
Ex.A16	House tax receipt dated 07.08.2006	Original
Ex.A17	EB card	Original
Ex.A18	EB receipt dated 07.08.2006	Original
Ex.A19	FMB sketch	Original
Ex.A20	Photos	Original
Ex.A21	House tax receipt	Original
Ex.A22	Water charges receipt	Original
Ex.A23	House tax receipt	Original
Ex.A24	House tax receipt	Original
Ex.A25	Water charges receipt	Original
Ex.A26	Water charges receipt (2 nos)	Original
Ex.A27	House tax receipt	Original
Ex.A28	Water charges receipt	Original

Ex.A29	Water bill card	Original
Ex.A30	Water bill card	Original
Ex.A31	Water bill card	Original
Ex.A32	Photos	Original
Ex.A33	House tax receipt	Original
Ex.A34	Water charges receipt	Original
Ex.A35	Water charges card	Original
Ex.A36	Adangal register	Original
Ex.A37	Photos with CD	Original
Ex.A38	FMB sketch	True copy
Ex.A39	Photo with Pendrive	Original

Defendant's Side Witness :

DW1 – Murugan (Power Agent of 1st defendant)

DW2 – Murugan (Power Agent of 2nd defendant)

Defendant's Side Exhibits:

Ex.B1	Sale deed dated 05.05.2003	Certified copy
Ex.B2	Sale deed dated 14.07.1999	Certified copy
Ex.B3	Sale deed dated 03.05.2018	Certified copy
Ex.B4	Patta	Online copy

Ex.B5	Sale deed dated 14.08.1991	Original
Ex.B6	Sale deed dated 29.07.1975	Original
Ex.B7	Patta	True copy
Ex.B8	Chitta	True copy
Ex.B9	Adangal	True copy
Ex.B10	Plaint sketch	True copy
Ex.B11	Sale deed dated 03.05.2018	Certified copy
Ex.B12	Legal notice dated 11.01.2017	Office copy
Ex.B13	Acknowledgment card (2 nos)	Original

FANNY RAJAN

Principal District Munsif, Kancheepuram
Digitally signed by FANNY RAJAN

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.