

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR**

Present: Ms.R.KRITYA, B.A,L.L.B.,
District Munsif cum Judicial Magistrate, Uthiramerur

On this the 10th day of April 2026

O.S.No. 21 of 2022
CNR No. TNKP10000165-2022

Muniyammal

..... Plaintiff

Vs

1. Devaki

2. The Sub-Registrar, Uthiramerur

3. The District Collector, Kancheepuram.

..... Defendants

This suit came up before me for the final hearing on 02.04.2026 in the presence of Mr. K. Shanmugasundaram, Advocate for Plaintiff and Mr. A.K. Ramesh Babu, Government Pleader, Counsel for D2, D3 Defendants, D1 called absent, set exparte and upon perusal of the available records, and having stood over for consideration till this day this court delivered the following:

JUDGMENT

1. This suit has been filed this suit for permanent injunction against the 1st defendant and his men, third person not to encumbrance the schedule mentioned property and 2nd defendant not to register any documents regarding the schedule mentioned property.

CASE OF THE PLAINTIFF :

2. The case of the plaintiff is that the suit property is situated in Uthiramerur Town. The suit property originally belonged to Govindhasamy who is the father of the plaintiff and husband of the 1st defendant. On 22-08-1961 Govindasamy executed a settlement deed in favour of the 1st defendant and Jeya who is the first wife of Govindasamy and it has been stated in that deed that both Devaki and Jeya shall be in the life estate and when there is a legal heir for them both of them have to settle the suit property equally to them. There was no issues between Jeya and Govindasamy and then Govindasamy married the 1st defendant and the plaintiff was born between them. On 23-03-1982 this plaintiff along with the 1st defendant made a exchange of property with Sivalingam who is the brother of the Govindasamy. Hence after the settlement deed this plaintiff is the owner of the suit property and the defendant does not have ownership. Since the settlement deed has conditions the same should be considered only as a will. Both the plaintiff and 1st defendant are in possession of the suit property. house was constructed and in the front portion the plaintiff is residing and in the back side portion this defendant is residing. Patta and Electricity connection stands in the nme of the 1st defendant. due to misunderstanding between the plaintiff and the 1st defendant she attempted to aelinate the suit property to Thirdaprtly on 26-04-2022 and the same was stooped by this plaintiff. this plaintiff reached out the police but they did not receive her complaint. Hence this suit.

CASE OF THE DEFENDANT :

3. The 1st defendant was set exparte for not filing the written statement within stipulated time. Learned GP appeared for the 2nd and 3rd defendant and filed his written statement that the suit is frivolous and liable to be dismissed. The plaintiff does not have proper title and she is not the owner of the suit property.
4. Based upon the above said pleadings, this court framed necessary issues as follows :

(i) Whether Govindasamy executed a settlement deed on 22-08-1961?

(ii) Whether the 1st defendant tired to alienate the suit property to third party?

(iii) Whether plaintiff is entitled for permanent injunction as prayed for against the 2nd defendant?

(iv) Whether the plaintiff is entitled for permanent injunction as prayed for?

(v) To what other relief plaintiff entitled for ?

5. The plaintiff examined himself as PW-1 and has marked the s settlement deed as Ex-A1 and exchange deed as Ex-A2 and then the Aadhar card as Ex-A3 and the encumbrance certificate as Ex-A4. No defendant side evidence was adduced inspite of sufficient opportunity.

DISCUSSION AND ANALYSIS:

6. **Issue I :** The first issue that arises for consideration is whether the plaintiff has proved that Govindasamy executed a settlement deed dated 22-08-1961 in respect of the suit property. The burden of establishing the execution and contents of the document lies on the plaintiff, since the entire claim is based on the said deed. In order to discharge such burden, the plaintiff has marked Ex-A1, being the alleged settlement deed. On perusal of the document shows that the deed was executed in favour of the 1st defendant and Jeya, the first wife of Govindasamy. The document therefore assumes significance in deciding the title claimed by the parties.
7. The plaintiff has examined the as witness PW-1 and has spoken about the execution of the settlement deed by Govindasamy. Her oral evidence is supported by the production of Ex-A1. However, mere marking of a document is not by itself conclusive proof of its execution unless the same is duly spoken to and proved in accordance with law. In the present case, the 1st defendant remained ex-parte and no contra evidence was let in on her side. The 2nd and 3rd defendants have also not produced any material to disprove the document or to suggest that the alleged settlement deed is fabricated or invalid. Therefore, the evidence available on record supports the plaintiff's case that such a settlement deed was executed.

8. It is also relevant to note that in cross-examination PW-1 has admitted certain facts, including that the original property belonged to Sivalingam. Though such admission may have some bearing on the chain of title, it does not by itself nullify Ex-A1. The question in this issue is only whether Govindasamy executed the settlement deed dated 22-08-1961, and on that limited aspect the documentary evidence together with the oral testimony of PW-1 is sufficient. Hence, this issue is answered in favour of the plaintiff.
9. **Issue II** : The plaintiff has specifically pleaded that due to misunderstanding between herself and the 1st defendant, the 1st defendant attempted to alienate the suit property to a third party on 26-04-2022, and that such attempt was prevented by the plaintiff. This allegation is one of fact and ought to have been established by acceptable evidence. However, except the oral assertion of PW-1, there is no independent documentary proof such as a sale agreement, notice, draft deed, witness statement, or police record to show that the 1st defendant had in fact made an attempt to alienate the property.
10. The plaintiff has also stated that she approached the police, but the complaint was not received. Significantly, in cross-examination, PW-1 has admitted that she did not give any complaint against her mother, the 1st defendant. This admission weakens the plaintiff's version regarding the alleged attempt to alienate the property. When a serious allegation of intended alienation is made,

some corroborative material is necessary to support the claim. In its absence, the Court cannot rest a finding merely on a bare statement.

11. Further, the 1st defendant has remained ex parte and has not rebutted the allegation. Even so, the plaintiff must succeed on her own case and cannot derive advantage merely from the absence of a contesting written statement. The evidence placed before the Court does not clearly prove that any actual attempt to alienate the suit property was made by the 1st defendant. Therefore, this issue is answered in against the plaintiff.
12. **Issue III** : The relief of permanent injunction against the 2nd defendant can be granted only if the plaintiff proves a lawful possession and shows that the 2nd defendant is interfering or is likely to interfere with such possession. In the present case, the plaintiff has pleaded that she is in possession of the front portion of the house and the 1st defendant is residing in the back portion. She has also relied upon Ex-A3, the Aadhaar card, and Ex-A4, the encumbrance certificate. However, these documents by themselves do not establish possession over the suit property in a conclusive manner.
13. It is an admitted fact that patta and electricity service connection stand in the name of the 1st defendant. Such material indicates that the 1st defendant is in at least some form of possession or control over the property. The plaintiff's own pleadings also show that the house is occupied by both the plaintiff and the 1st defendant in different portions. In such circumstances, the question of exclusive

possession by the plaintiff does not arise on the present evidence. A suit for bare injunction requires clear proof of possession, which is not satisfactorily established here.

14. As regards the 2nd defendant, there is no specific evidence to show that the 2nd defendant interfered with the plaintiff's possession or attempted any direct act against her. The 2nd defendant is said to be the Government, and the written statement filed by the learned Government Pleader contends that the suit is frivolous and that the plaintiff has no proper title. In the absence of proof of possession and interference, the plaintiff is not entitled to a decree of permanent injunction against the 2nd defendant. Hence, this issue is answered against the plaintiff.
15. **Issue IV** : The main relief sought in the suit is permanent injunction. To succeed in such relief, the plaintiff must establish not only her possession, but also the existence of a threat or interference warranting protection of the Court. The pleadings and evidence in this case do not convincingly prove exclusive possession in favour of the plaintiff. On the contrary, the plaintiff herself has admitted that the property is occupied by her and the 1st defendant in different portions. This fact itself shows that the possession is not singular or exclusive.
16. The plaintiff has relied on the settlement deed and exchange deed to contend that she is the owner of the suit property. Yet, even if title is assumed for the sake of argument, a suit for bare injunction still requires proof of possession on the date

of suit. The evidence on record, particularly the entries in the name of the 1st defendant and the admission of shared occupation, makes it doubtful whether the plaintiff had exclusive possession so as to justify the decree sought. The plaintiff has also admitted in cross-examination that the property originally belonged to Sivalingam, which further creates uncertainty in the chain of title and possession. In a suit of this nature, the Court cannot grant injunction merely because there is some family dispute or because the plaintiff alleges apprehended alienation. The relief must rest on legal proof. Since the plaintiff has not established exclusive possession or a legally enforceable threat of interference with sufficient clarity, she is not entitled to permanent injunction as prayed for. Accordingly, this issue is answered against the plaintiff.

17. **Issue V :** In view of the findings recorded on the above issues, the plaintiff is not entitled to the principal relief of permanent injunction. The evidence adduced by the plaintiff proves only the existence of some family arrangement and shared occupation, but not a clear and exclusive right to possession warranting the relief sought. The suit has also not been supported by sufficient corroborative material regarding the alleged attempt of alienation. Hence, no further equitable relief can be granted on the present pleadings and evidence.
18. On a careful consideration of the pleadings, evidence, and documents available on record, this Court holds that the plaintiff has proved the execution of the settlement deed dated 22-08-1961, but has failed to prove the alleged attempt of

alienation by the 1st defendant. More importantly, the plaintiff has not established exclusive possession over the suit property so as to sustain a decree for permanent injunction.

In the result, the suit is dismissed. No cost.

Directly typed by me in my laptop, formatted by me, corrected and pronounced by me in the open court, on this the 10th day of April 2026.

District Munsif Cum Judicial Magistrate,
Uthiramerur.

LIST OF WITNESS EXAMINED ON THE SIDE OF PLAINTIFF:

PW1- Muniyammal (Plaintiff)

LIST OF DOCUMENTS MARKED ON THE SIDE OF PLAINTIFF:

Sl. No.	Date	Particulars of Documents	Remarks
Ex. A1	22.08.1961	Settlement deed	Certified copy
Ex. A2	23.03.1982	Parivarthanai Deed	Certified copy
Ex. A3	-	PW-1 Aadhar Card	Xerox
Ex. A4	22.11.2016	Encumbrance Certificate	Online copy

LIST OF WITNESS AND DOCUMENTS MARKED ON THE SIDE OF DEFENDANTS:

NIL

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Uthiramerur.