

**THE COURT OF DISTRICT MUNSIF, SRIPERUMBUDUR**  
**PRESENT: TR. P. JAGADEESWARAN BA.,BL.,**  
**DISTRICT MUNSIF, SRIPERUMBUDUR**

On Monday, the 16<sup>th</sup> day of March 2026.

**O.S.No. 42 of 2024**

N.Suresh ...Plaintiff

//Versus//

1. Govindaraju

2. Ganapathi ... Defendants

This suit has come upon 07.02.2026 for final hearing before me in the presence of M/s.R.Sureshkumar, Learned Counsel for the Plaintiff and thereafter the Defendant having been set ex-parte and having remained ex-parte and upon hearing the arguments of Plaintiff sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

**JUDGMENT**

1. This suit is filed seeking for permanent injunction restraining the defendants, his men and hirelings from in any way interfering with the plaintiff peaceful possession and enjoyment of the schedule mentioned property as mentioned in the Rough sketch ABCD portion in any manner and for costs.

**2. CONCISE STATEMENT OF THE PLAINTIFF AS PER THE PLAINT:**

The Plaintiff submits that he is owner of the schedule mentioned property in S.No.48/9 and he has purchased from S.Chandrasekar in pursuance of the

registered sale deed in favour of plaintiff dated 24.03.2014, Doc.No. 1936/2014 in the Joint IV SRO, Kanchipuram. Later the plaintiff has purchased remaining property in the said s.no. 48/9 in pursuance of unregistered sale deed dated 24.03.2014, to an extent of 994 sq.feet and total extent of 2651 Sq.feet in the east to west 30 and north to south 121 feet situated at Thulasapuram Village, Kanchipuram District. He has been in possession and enjoyment of the schedule mentioned property as per patta and he has constructed house East to West 23 feet out of 30 feet, north of south 121 feet. The western side of the house east to west 7 feet, North of south 121 feet for using water connection and waste water pipeline. The 1<sup>st</sup> defendant is the adjacent property owner of the S.No,48/8 and 1<sup>st</sup> defendant along with 2<sup>nd</sup> defendant are also trying interfere with the Plaintiff's peaceful possession and enjoyment of the schedule mentioned property. The 2<sup>nd</sup> defendant has no connected with the schedule mentioned property and the defendants have no ioto right to interfere with the plaintiff peaceful possession and enjoyment of the said ABCD portion in the schedule mentioned property. The defendants took hostile against the plaintiff and he has attempted to interfere with the peaceful possession and enjoyment of the plaintiff on 25.01.2024. Hence the Plaintiff has no other option except to file this suit for permanent injunction and against the defendants.

### **3. Exparte Evidence**

On the side of the Plaintiff, N. Suresh examined himself as PW1 and Exhibits Ex A-1 to Ex A-8 were marked through PW1.

#### **4. Points to be determined :**

1. Whether the plaintiff is entitled to permanent injunction restraining the defendants, from in any way interfering with the plaintiff peaceful possession and enjoyment of the schedule mentioned property ?

#### **5. DISCUSSIONS AND REASONING :**

Heard the Plaintiff side Arguments and perused and considered the materials on record in proper perspective.

#### **6. CASE OF THE PLAINTIFF :**

Plaintiff is the absolute owner of the suit schedule mentioned property in S.No. 48/9 and he purchased that property from S.Chandrasekar on 24.03.2014 which is registered before SRO, Kanchipuram in vide Doc.No. 1936/2014 for an extent of 154 Sq.m (i.e) 1657 Sq.ft subsequent to that plaintiff purchased another 994 Sq.ft on same day from the same vendor under unregistered sale deed. After the purchase, plaintiff has been in peaceful possession and enjoyment of suit schedule property. The 1<sup>st</sup> defendant is the adjacent property owner for the S.No. 48/8 along with the 2<sup>nd</sup> defendant trying to interfere with the plaintiff peaceful possession and enjoyment of the suit schedule property. Hence the suit.

7. On contra after summon duly served 1<sup>st</sup> and 2<sup>nd</sup> defendant entered their appearance through their counsel Mr.B.Soundarajan and subsequent to that for non filing of written statement 1<sup>st</sup> defendant and 2<sup>nd</sup> defendant set ex parte and remaind ex parte.

## **8. PLAINTIFF SIDE EVIDENCE :**

Plaintiff himself examined as PW1 and Ex.A1 to Ex.A8 marked. Ex.A1 is the Rough sketch. Ex.A2 is the registered sale deed infavour of plaintiff. Ex.A3 is the patta infavour of plaintiff. Ex.A4 is the certificate issued by VAO. Ex.A5 is the adangal. Ex.A6 is the property tax receipts. Ex.A7 is the EB card. Ex.A8 is the Photos of suit property along with CD.

**9.** Upon perusal of Ex.A1 filed by the PW1 even though rough sketch was not approved by the Government it is drawn by plaintiff to show how the trespass committed in that S.No. 48/9 is in the name of plaintiff and S.No. 48/8 in the name of 1<sup>st</sup> defendant. The portion ABCD marked in the rough sketch for an extent of 7 feet from east to west and 121 feet from north to south is the defendant attempting to encroach portion. Now the question arises is S.No. 48/9 total extent is 1657 Sq.ft was purchased by the plaintiff in registered document which is marked Ex. A2. Therefore there is no title issue to that effect but for another extent of 994 Sq.ft in the same S.No 48/9 was purchased under unregistered sale deed is a doubtful one since no document was filed to prove the title by the plaintiff for the extent of 994 sq.ft. It is a very settled law unregistered sale deed under which is not marked could not prove the title who claims under the document. Now as per the sketch as well as schedule of property doesn't differentiate which part is legally valid and which part is not legally valid among the registered sale deed and unregistered sale deed extent. Now plaintiff claims for the encroachment in total extent of S.No. 48/9 is

unacceptable because he is not a valid owner for the entire survey number. It is the duty of the plaintiff to show to what extent of the property he is entitled for and specifically boundaries to be given as per **Order 7 Rule 3 of CPC** as follows : *Where the subject-matter of the suit is immovable property. Where the subject-matter of the suit is immovable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers.*

Then only identification of schedule of property can be done by the court here plaintiff failed to show the difference in registered document property and unregistered document property in schedule of property as well as he claiming the peaceful possession for entire S.No.48/9 is not valid because he is not absolute owner for the S.No 48/9. Moreover the pleadings and evidence does not show who is the 2<sup>nd</sup> defendant and in what manner he tries to encroach the plaintiff property. Therefore against 2<sup>nd</sup> defendant there is no evidence at all to prove the allegation against him. In addition to that plaintiff does not explain the mode of encroachment by the 1<sup>st</sup> and 2<sup>nd</sup> defendants.

**10.** This court takes note of the judgment in *Ananthammal (died) and others Vs. M.Ramakrishnan and others, 2018, (1) CTC 24* and finds that the plaintiff has to stand on his own legs to discharge in burden of proof and not on the weakness of the Defendants case.

11. Therefore The following judgment gives the power to trial court to see deciding factors as in - ***Ramesh Chand Ardawatiya v. Anil Panjwani AIR 2003 SC 2508 – Ex parte proceeding and burden of proof on Plaintiff*** - *Even if the suit proceeds ex-parte and in the absence of a written statement, unless the applicability of Order VIII, Rule 10 of the CPC is attracted and the Court acts thereunder, the necessity of proof by the plaintiff of his case to the satisfaction of the Court cannot be dispensed with. In the absence of denial of plaint averments, the burden of proof on the plaintiff is not very heavy. A prima facie proof of the relevant facts constituting the cause of action would suffice and the Court would grant the plaintiff such relief as to which he may in law be found entitled. In a case which has proceeded ex-parte the Court is not bound to frame issues under Order XIV and deliver the judgment on every issue as required by Order XX Rule 5. Yet the Trial Court would scrutinize the available pleadings and documents, consider the evidence adduced, and would do well to frame the 'points for determination' and proceed to construct the ex-parte judgment dealing with the points at issue one by one. Merely because the defendant is absent the Court shall not admit evidence the admissibility whereof is excluded by law nor the Court shall permit its decision being influenced by irrelevant or inadmissible evidence.*

12. Hence for the reasons discussed above, this suit is liable to be dismissed. Hence this suit is dismissed.

### 13. **RESULT :**

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

Dictated to the steno typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 16<sup>th</sup> day March 2026.

(Sd/-Jagadeeswaran.P)  
**DISTRICT MUNSIF,  
SRIPERUMBUDUR.**

#### **Plaintiff's side Witness:**

PW1 – N.Suresh (1<sup>st</sup> Plaintiff)

#### **Plaintiff's side Exhibits:**

Ex.A1		Suit property Sketch map	Original
Ex.A2	24.03.2014	Sale deed in the name of Plaintiff	Certified copy
Ex.A3		Patta in the name of Plaintiff (Patta No. 91)	Web copy
Ex.A4		Property Ownership certificate given by Thulasapuram VAO.	Original
Ex.A5		Adangal given by Thulasapuram VAO.	Original
Ex.A6		House tax receipt (Nos. 4)	Original
Ex.A7		EB card	Original
Ex.A8		Photographs related to suit property (Nos. 4) with CD.	Original

#### **Defendant's Side Witness & Exhibits: Nil**

(Sd/-Jagadeeswaran.P)  
**DISTRICT MUNSIF,  
SRIPERUMBUDUR.**