

**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. 153 of 2018**

1. Saratha

2. Pushpa

...Plaintiffs

//Versus//

1. Veeraraghavan

2. Jeeva

... Defendants

This suit has come up on 20.01.2026 for final hearing before me in the presence of M/s.M.B.Velmurugan, Learned Counsel for the Plaintiffs and M/s.K.Mohan Raj , Learned counsel of the defendants and upon hearing the arguments of both 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 to pass a preliminary decree for partition against the defendants to divide the suit property into 3 equal shares and to allot each 1/3rd of the share separately to 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs and allot 1/3rd of the share to the 1<sup>st</sup> defendant and to declare that the sale deed fabricated by the 1<sup>st</sup> defendant in favour of the 2<sup>nd</sup> defendant on 16.10.2000 and duly registered at SRO, Kundrathur as Doc.No 5443/2000 as null and void and for costs.

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

The Plaintiffs submit that on 19.05.1980 the above said Devaraj purchased the suit property from one Kathija Bibi and her vagaira and the sale deed got registered at SRO, Ponamallee as Doc.No.1594/1980. That the sale consideration for purchasing the suit property was paid out of the Hindu joint family income, which was contributed jointly by the said Devaraj and the 1<sup>st</sup> plaintiff alone, both did agriculture coolie work and saved money and out of their saving they paid the entire sale consideration for the suit property further at the time of purchasing the suit property the 1<sup>st</sup> defendant was aged about 15 years only and he has not gone to any job and no money was contributed by him to purchase the suit property. After the death of Devaraj on 26.07.2008 intestate, his legal heirs are entitled to claim a share in the suit property. However, the 1<sup>st</sup> defendant, acting as Kartha of the Hindu joint family, illegally mutated the patta and fabricated a sale deed in favour of the 2<sup>nd</sup> defendant. After the death of Devaraj the 1<sup>st</sup> Plaintiff was neglected by the defendants and is living a miserable life without financial support despite being aged about 75 years. When the Plaintiffs requested partition in January 2018, the 1<sup>st</sup> defendant replied that he had already disposed of the suit property in favour of the 2<sup>nd</sup> defendant. After learning about the fabricated sale deed in January 2018, they obtained a certified copy and discovered that the defendants colluded and registered a fraudulent sale deed (Doc.No.5443/2000) regarding the suit property. The said sale deed is sham, nominal unenforceable in law and liable to be declared null

and void. The suit property is joint family property and the 1<sup>st</sup> defendant has no right to execute the sale deed for the entire property. The plaintiffs are each entitled to 1/3rd share in the suit property and seek partition and separate possession of their shares. Hence, the Plaintiffs seek declaration that the sale deed dated 16.10.2000 (Doc.No. 5443/2000) is void and for partition of the suit property. Hence the suit.

**3. CONCISE STATEMENT OF THE DEFENDANT AS PER THE WRITTEN STATEMENT:**

The defendant submits that the suit filed by the plaintiffs for partition and separate possession is not maintainable either in law or on facts. The defendant states that the averments made in the plaint are false, incorrect and therefore denied. It is submitted that the suit properties described by the plaintiffs were not exclusively belonging to them as alleged. The defendant submits that the properties were originally acquired under registered sale deeds dated 19.05.1980 and 16.10.2000. The plaintiffs have not properly stated the true nature and origin of the properties. The defendant submits that the plaintiffs are not entitled to claim partition in the manner alleged in the plaint. The allegations that the plaintiffs are entitled to larger rights in the suit property are specifically denied. The defendant further submits that the suit property has been enjoyed and possessed according to the respective rights of the parties. The claim made by the plaintiffs that they are entitled to a specific share is incorrect and not supported by valid documents. The defendant submits that the plaintiffs have

suppressed several material facts before this Hon'ble Court. The defendant further states that the plaintiffs have filed the present suit with an intention to create unnecessary dispute over the property. The plaintiffs have no exclusive right over the suit property as alleged in the plaint. The defendant submits that the plaintiffs are not entitled to claim 1/3 share as stated by them. The allegations relating to possession and enjoyment of the suit property are denied. The defendant states that the plaintiffs have not approached this Hon'ble Court with clean hands. The suit filed by the plaintiffs is therefore not sustainable either on facts or under law. The defendant respectfully submits that the plaintiffs have no cause of action to file the present suit. Hence the suit is liable to be dismissed in limine. The defendant therefore prays that the suit filed by the plaintiffs may be dismissed with costs. Thus the defendant denies the claims of the plaintiffs and seeks dismissal of the suit.

#### **4. ISSUES**

*(i) Is it true that the Plaintiffs claim that the properties in the suit are join family properties purchased from the income of Devaraj and the 1<sup>st</sup> Plaintiff ?*

*(ii) Whether the Plaintiffs are entitled to the remedy sought by the Plaintiffs, namely to issue a preliminary decree awarding 1/3 shares of the assets in the suit property to each of the 1<sup>st</sup> plaintiff, 2<sup>nd</sup> plaintiff and 1<sup>st</sup> defendant ?*

*(iii) Whether the Plaintiffs are entitled to the relief for declaring that the sale deed executed by 1<sup>st</sup> defendant in favour of 2<sup>nd</sup> defendant at Kundrathur Sub Registrar's Office Doc.No.5443/2000, registered on 16.10.2000 as null and void*

*and does not bind the plaintiffs ?*

*(iv) To what other relief/reliefs the parties are entitled ?*

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

**Case of the Plaintiff** – The 1<sup>st</sup> plaintiff is the mother of and 2<sup>nd</sup> plaintiff, 1<sup>st</sup> defendant is the son of 1<sup>st</sup> plaintiff and 2<sup>nd</sup> defendant is the wife of 1<sup>st</sup> defendant. The plaintiff submits that the suit schedule property was purchased by her husband out of his own income and suit schedule property was registered in the name of 1<sup>st</sup> defendant in the year 1980 in Doc.No.1594/1980 at SRO, Ponamallee. Therefore the suit property is belongs to her husband, he demised in the year 2008 hence that property is to be partitioned as per laws and 1<sup>st</sup> and 2<sup>nd</sup> Plaintiff are eligible for 1/3rd share each in that property. In addition to that Plaintiff claiming that 1<sup>st</sup> defendant executed a sale deed in favour of 2<sup>nd</sup> defendant in vide document No. 5443/2000 on 16.10.2000 at SRO, Kundarthur to be declared as null and void. For the reason suit schedule property is belongs to her husband. 1<sup>st</sup> defendant does not have absolute title. Hence this suit.

**6. Case of the defendant :** The 1<sup>st</sup> defendant and 2<sup>nd</sup> defendant are husband and wife and 1<sup>st</sup> defendant claims that suit schedule property was purchased in the year of 1980 out of his own income and he was the absolute owner to that property therefore plaintiff does not have any right over the property and based on the clear title he sold out the property to his wife for the valid consideration. Hence the suit is liable to be dismissed.

**7. Evidence of Plaintiff :** To prove the case of the 1<sup>st</sup> plaintiff examined

herself as PW1 and Ex. A1 to A3 marked. Ex.A1 is the sale deed infavour of 1<sup>st</sup> defendant. Ex.A2 is the sale deed infavour of 2<sup>nd</sup> defendant executed by the 1<sup>st</sup> defendant. Ex.A3 is the Aadhaar card of the plaintiff.

**8. Evidence of the Defendant :** To prove the case 1<sup>st</sup> defendant examines himself as DW1 and Ex.B1 to B5 were marked. Ex.B1 is the sale deed infavour of 1<sup>st</sup> defendant. Ex.B2 is the sale deed infavour of 2<sup>nd</sup> defendant executed by the 1<sup>st</sup> defendant. Ex.B3 is the transfer certificate issued by the school in which 1<sup>st</sup> defendant studied. Ex.B4 is the EB card. Ex.B5 is the patta infavour of 2<sup>nd</sup> defendant.

**9. Answer to the Issue 1 and 2 :** As per the plaintiff the suit schedule property is purchased from the income of her husband therefore 1/3 share in the suit property to be given to her and 1/3 property for her daughter who is the 2<sup>nd</sup> plaintiff. By perusal of Ex.A1 it is very clear document was registered in the name of 1<sup>st</sup> defendant and suit property was purchased. From the income of 1<sup>st</sup> defendant but Plaintiff raised that 1<sup>st</sup> defendant was only 15 years old at that time of sale deed executed in favour of him. Upon perusal of Ex.B3 transfer certificate of 1<sup>st</sup> defendant, date of birth 01.10.1960 and PW1 cross also reveals that same as follows it was proved through cross examination of PW1 as follows : வழக்கு சொத்து 19.05.1980 முதலாம் பிரதிவாதியால் கிரையம் பெறப்பட்ட சொத்து என்றால் சரிதான். அந்த சொத்து அவர் 20 வயதில் பெறப்பட்ட சொத்து என்றால் சரிதான். அவரது 16வது வயதில் இருந்து மாத்திரை கம்பெனிக்கு வேலைக்கு சென்றார் என்றால் சரிதான்.

**10.** From the answer of PW1 it is very clear 1<sup>st</sup> defendant was working from the age of 16 at the age of 20 the suit property was purchased in the name of 1<sup>st</sup> defendant therefore it is very clear schedule of property was purchased from the income of 1<sup>st</sup> defendant not by the income of 1<sup>st</sup> plaintiff husband because she admitted that her husband was a coolie worker only and no evidence produce for income to prove the facts. In addition to that PW1 admits that except suit schedule property there is some other properties also existed in the name of 1<sup>st</sup> plaintiff husband in that one property was sold out at the life time of 1<sup>st</sup> plaintiff husband itself and 1<sup>st</sup> plaintiff presently residing house was in the name of 1<sup>st</sup> plaintiff husband but that property was not added as a suit schedule property it was admitted by PW1 from the cross examination as follows: தற்போது நான் வசிக்கும் இடமும் பிரதிவாதி வசிக்கும் இடமும் பக்கத்து பக்கத்தில் உள்ளது. நான் வசித்து வரும் இடம் எனது கணவரால் கிரையம் பெற்ற இடமாகும். இந்த சொத்தை ஏன் வழக்கு சொத்துடன் இணைத்து பரிகாரம் கேட்கவில்லை என்றால் எனது வழக்கறிஞரிடம் சேர்க்கசொல்லிதான் உள்ளனே.

**11.** From the above evidence it is very clear that 1<sup>st</sup> plaintiff and 1<sup>st</sup> defendant are living in the adjacent place and 1<sup>st</sup> plaintiff residing house also in the name of 1<sup>st</sup> plaintiff husband but is was not added in suit schedule property for the partition. It is very well settled law that once the partition suit is filed then all the properties to be stated in the schedule of property from that only their shares to be allotted if not by suppressing and enjoying some other properties intentionally avoiding to plead in schedule is not acceptable one. Therefore from the evidence

of PW1 it is very clear properties in the name of 1<sup>st</sup> plaintiff husband was not properly listed in the schedule of property for suppressing the some other properties and plaintiff failed to prove that suit schedule properties purchased out of her husband income. Therefore this issue no. 1 and 2 answered against to the plaintiff. Plaintiffs are not entitled for the partition from the suit schedule property.

**12. Issue No. 3:** Since the issue no. 1 and 2 are answered against to the plaintiff the issue no. 3 to declare the sale deed executed by the 1<sup>st</sup> defendant in the name of 2<sup>nd</sup> defendant as null and void does not arise at all. Even though it is presumed that this property to be partitioned defendant proved that this property was purchased out of his own income as well as the sale deed executed infavour of 2<sup>nd</sup> defendant for the valid consideration only. Because that consideration amount was paid by the 2<sup>nd</sup> defendant father to the 1<sup>st</sup> defendant. No evidence produced by plaintiff side to disprove the above said facts.

**13.** The 1<sup>st</sup> Plaintiff husband was died on 2008, but suit instituted only on 2018, property sold out by 1<sup>st</sup> defendant to 2<sup>nd</sup> defendant is in 2000 clearly shows that declaration of null and void of Ex.A2 is barred by limitation. Hence Issue No.3 also answered against to the Plaintiff.

**14.** For the reasons that suppression of material facts, failed to discharge initial burden on the plaintiff to prove suit schedule property belongs to the plaintiff husband, This suit is liable to be dismissed.

## 15. 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 – Saratha (1<sup>st</sup> Plaintiff)

### Plaintiff's side Exhibits:

Ex.A1	19.05.1980	எனது கணவர் பிரதிவாதியான எனது மகன் பெயரில் கிரையம் பெற்ற கிரய ஆவணத்தின் சான்றிட்ட நகல்	சான்றிட்ட நகல்
Ex.A2	16.10.2000	எனது மகன் அவரது மனைவியான ஜீவாவிற்கு எழுதிக்கொடுத்த கிரைய ஆவணம்.	சான்றிட்ட நகல்
Ex.A3		எனது ஆதார் அட்டை	அசலுடன் ஒப்பிட்டு சரிபார்க்கப்பட்ட நகல்

### Defendant's Side Witness:

DW1 – Veeraraghavan (1<sup>st</sup> Defendant)

### Defendant's Side Exhibits:

Ex.B1	19.05.1980	1 ம் பிரதிவாதியின் பெயரில் உள்ள கிரையப் பத்திரம், பூந்தமல்லி சார்பதிவாளர் அலுவலக ஆவண எண் 1594/1980,	சான்றிட்ட நகல்
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		புத்தகம் 1.	
Ex.A2	16.10.2000	எனது மகன் அவரது மனைவியான ஜீவாவிற்கு எழுதிக்கொடுத்த கிரைய ஆவண எண் 5443/2000. குன்றத்தூர் சாரபதிவாளர்.	சான்றிட்ட நகல்
Ex.A3		பள்ளி மாற்றுச்சான்று மற்றும் இதர பள்ளி ஆவணங்கள். (எண்ணிக்கை 4)	அசலுடன் ஒப்பிட்டு குறியீடு செய்யப்படுகிற
Ex.A4		மின்கட்டண அட்டை	அசல்
Ex.A5		எனது மனைவி பெயரில் உள்ள பட்டா. ( பட்டா எண் 824)	பதிவிறக்கம் செய்யப்பட்ட நகல்

(Sd/- .Jagadeeswaran.P)  
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