

IN THE COURT OF DISTRICT MUNSIF, SRIPERUMBUDUR

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

On Thursday, the 09th day of July 2026.

O.S.No. 1716 of 2008

1. Jamuna ...Plaintiff

//Versus//

1. C.Balasubramanian

2. S.Manoj

3. Srinivasan

4. Murthi ... Defendants

This suit has come up on this day for final hearing before me in the presence of M/s. S.Balamurugan, Learned Counsel for the Plaintiff, M/s. Mr. K.Natarajan, Learned Counsel for 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 for permanent injunction restraining the defendant or men or agent or servant or any one claiming through the defendants, from disturbing the plaintiff's peaceful possession and enjoyment of the suit property mentioned in the schedule in any manner and for costs.

CONCISE STATEMENT OF THE PLAINTIFF AS PER THE PLAINT:

2. The plaintiff submitted that she is in exclusive possession and enjoyment of the suit property. The plaintiff submitted that the suit property originally measuring 0.08 cents belonged to one Veerammal and that she purchased the same in the name of herself and her mother Pichammal through two registered sale deeds dated 02.01.1987 in Doc. Nos. 9/1987 and 10/1987. She further submitted that she had put up construction in the middle of the suit property by obtaining a mortgage loan and, ever since the date of purchase, she and her family were in exclusive possession and enjoyment of the suit property. Her mother Pichammal had handed over possession of her portion to the plaintiff, and the plaintiff was in exclusive possession and enjoyment of the same as a permissible occupant. The plaintiff and her mother had obtained joint Patta No. 262 for the suit property in Survey No. 220/10, and the plaintiff had regularly paid house tax and electricity charges and had also obtained a Family Card in the address of the suit property. The plaintiff further submitted that her mother had assured to settle her part of the suit property in favour of the plaintiff, and a settlement deed was executed on non-judicial stamp papers for Rs.10,000/-, duly signed by Pichammal, with the first defendant signing as a witness. However, the first defendant forcibly took his mother to Mogappair, prevented her from registering the settlement deed in favour of the plaintiff and threatened to evict the plaintiff from the suit property. The defendants 2 to 4, who were strangers to the suit property, periodically threatened the plaintiff to vacate the suit property

at the instance of the first defendant and, on 22.10.2006, came along with their henchmen, assaulted the plaintiff and her husband, trespassed into the suit property and attempted to dispossess her, which was prevented with the help of neighbours. The plaintiff lodged a complaint before Mangadu Police Station, but the police refused to register a case stating that the matter was civil in nature and advised her to approach the Court. The plaintiff submitted that she had no other effective alternative remedy except to file the suit for permanent injunction to safeguard her civil rights and that, unless the defendants were restrained from disturbing her peaceful possession and enjoyment, she would be put to irreparable loss and injury. She finally submitted that the registered sale deed, Revenue Patta, House Tax Receipts, E.B. Card and Family Card clearly showed that she was the absolute owner of part of the suit property with perfect and clear title and was in lawful possession and enjoyment of the suit property.

CONCISE STATEMENT OF THE DEFENDANTS 1 to 4 AS PER THE WRITTEN STATEMENT:

3. The 1st Defendant denied the averments that the plaintiff was in exclusive possession and enjoyment of the suit property and submitted that he was in actual possession of the part of the suit property wherein he was residing along with his family and mother Mrs. Pichammal. He further denied that the plaintiff had purchased the suit property in the name of herself and her mother and put up construction on the middle of the suit property from her own savings, and stated

that the plaintiff had filed the suit without impleading Mrs. Pichammal, a necessary party. The 1st Defendant denied that Mrs. Pichammal had handed over possession of her property to the plaintiff and stated that she had executed a Will in favour of the 1st Defendant and that he was in actual possession of Pichammal's property, paying Property Tax, Electricity Charges and Water Tax charges in his name. He further submitted that the plaintiff was paying taxes only in respect of her property and not for the entire suit property and that the plaintiff had no right over Pichammal's property. The 1st Defendant denied that the plaintiff had obtained Electricity Connection and Family Card over the entire suit property and stated that he had also obtained Electricity Connection, Water Connection, Sewage Connection and Family Card in his name over part of the suit property. He denied that the entire sale consideration of the Madipakkam property was taken by him and submitted that the sale consideration was shared among the plaintiff, 1st Defendant, their mother Pichammal and their other sister. He further denied that Mrs. Pichammal had executed the Settlement Deed in favour of the plaintiff and that the 1st Defendant had signed as witness, and submitted that such averments were purely imaginary and there was no truth in them. He stated that Mrs. Pichammal had expired on 02.03.2009 and had executed a registered true Will of the suit property in favour of the 1st Defendant on 27.12.1991, which came into force after her death. The 1st Defendant denied that the 2nd to 4th Defendants had threatened the plaintiff and her husband or attempted to dispossess her and stated that no such incident had happened on

22.10.2006 and also denied the alleged complaint before Mangadu Police Station. Finally, the 1st Defendant submitted that there was no cause of action as stated in the plaint, that the plaintiff had no title or right over the property for which the prayer was asked, and hence prayed that the suit be dismissed with costs.

4. ISSUES :

1. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for ?

2. To what other relief ?

5. DISCUSSION AND FINDINGS :

Case of the Plaintiff :

The plaintiff himself examined as PW1 and deposed that the plaintiff and plaintiff mother Veerammal is the absolute owner for the suit schedule property they obtained the sale deed in two different documents on 02.01.1987 doc.no. 9 / 1987 and doc.no. 10 / 1987 duly registered in the SRO, Poonamallee. From the date of purchase plaintiff is in the peaceful possession of the property. The Doc.No. 9 / 1987 is in the favour of Plaintiff for the part of suit property and for the another part of the suit property Doc.No. 10 / 1987 is in favour of Plaintiff mother. The plaintiff and plaintiff mother jointly obtained a joint patta for the survey no. 220 / 2010 in patta no. 262. After the said purchase the plaintiff obtained the electricity connection for the suit property in her name and from the

date of purchase she was in exclusive possession of the suit property the mother of plaintiff is occupied the part of suit property as a tenant for the period upto 2006. The 1st defendant is the brother of plaintiff. The plaintiff had another sister namely Saraswathi. In the year of 2006 family arrangements took place between the plaintiff and 1st defendant for that the suit property was allotted to the plaintiff for the part belongs to the plaintiff mother based on the arrangements settlement deed were prepared infavour of plaintiff and it was signed by the plaintiff mother and that document was witnessed by 1st defendant and another sister Saraswathi. But it was not registered by the threat of 1st defendant given to the plaintiff mother. On 1995 the other properties situated in puluzhi vakkam in the name of Veerammal were settled in favour of 1st defendant by way of giving release deed by the plaintiff, plaintiff mother and another sister of the plaintiff. Subsequent to that in the year 2006 the another plot in the name of plaintiff mother was settled to the 1st defendant for the exchange of suit property infavour of plaintiff. But the exchange was not completed on the plaintiff part only document has been prepared but execution was stopped by defendant by restraining the plaintiff mother in his house. Now the defendant along with the other defendants 2 to 4 disturbing the peaceful possession of the plaintiff to grab the suit property therefore plaintiff filed this suit seeking permanent injunction restraining the defendants or men or agents or servant or nay one claiming through the defendants, from disturbing the plaintiff's peaceful possession and enjoyment of the suit property mentioned in the schedule. Hence the suit.

6. Case of the defendant : The 1st defendant examined himself as Dw1 and deposed that he along with his mother resided in part of the suit property which belongs to his mother and he denied everything claimed by the plaintiff in the plaint and deposed that the Pichammal who is the mother of both plaintiff and 1st defendant executed a will in favour of the 1st defendant of the suit property and claiming that the suit property was with the possession of 1st defendant and he is paying the property tax electricity charges and water tax. Therefore he claims that plaintiff is not the absolute owner of the suit property the part of the suit property is to be partitioned therefore the suit is liable to be dismissed for the reasons non jointer of necessary parties and for non seeking of efficacious relief.

7. Plaintiff side evidence – The plaintiff herself examined as PW1 and Ex.A1 to A10 were marked. Apart from the PW1, PW2 and PW3 were examined PW2 is the husband of the plaintiff, PW3 is the friend of PW2. No documents were marked through PW2 and PW3. Ex.A1 is the sale agreement for the suit property executed in favour of plaintiff. Ex.A2 is the sale deed in favour of plaintiff. Ex.A3 is the notice given by the special tahsildar to the plaintiff. Ex.A4 is the patta for the suit property. Ex.A5 is the receipt for the payment of mortgage of the suit property. Ex.A6 is the house tax receipts. Ex.A7 is the EB receipt. Ex.A8 is the family card. Ex.A9 is the settlement deed executed in favour of plaintiff by the plaintiff mother without registration of the document. Ex.A10 is the EB card for the suit property in the name of plaintiff. Apart from the above said documents Ex.A11 and A12 were marked in the cross examination of DW1 by

the plaintiff. Ex.A11 is the release deed executed by the plaintiff, plaintiff mother and another sister of the plaintiff infavour of 1st defendant. Ex.A12 is the settlement deed executed by the Plaintiff mother infavour of 1st defendant.

8. Defendant side evidence - 1st defendant examined himself as DW1 and Ex. B1 to B9 were marked. Ex.B1 is the sale deed for the part of suit property infavour of plaintiff mother. Ex.B2 is the registered will executed by the Plaintiff mother in favour of 1st defendant. Ex.B3 is the patta for the suit property. Ex.B4 is the EB card and EB receipts. Ex.B 5 is the house tax receipts in the name of 1st defendant. Ex.B 6 is the water tax receipts in the name of 1st defendant. Ex. B7 is the death certificate of Pichammal. Ex.B8 is the legal heirship certificate for Pichammal. Ex.B9 is the family card.

Answer to the Issue No. 1:

9. Upon perusal of the pleadings and evidence it is evident that plaintiff and 1st defendant are the brother and sister. It is also admitted by both of them the suit property for the part existing in the name of plaintiff and another part is existing in the name of Pichammal. Plaintiff claiming that suit property was purchased by herself with the income of his husband who is examined as PW2 from the out of income he is working as a PTC bus conductor while purchasing the property part was registered in the name of plaintiff and another part was registered in the name of mother of the plaintiff. These facts are admitted by the plaintiff itself then plaintiff impliedly admitting the title over the part of the suit property was not vested with her therefore plaintiff has to sought the the declaration of the title

for the part of the suit property existing in the name of her mother. As per the dictum laid down in the ***Anathula Sudhakar v. P. Buchi Reddy, AIR 2008 SC 2033 (DB)*** as follows : *The general principles as to when a mere suit for permanent injunction will lie and when it is necessary to file a suit for declaration and/or possession along with injunction consequential relief, were well-settled in this case in the following words:-*

Where the plaintiff is in possession, but his title to the property is in dispute, or under a cloud, or where the defendant asserts title thereto and there is also a threat of dispossession from defendant, the plaintiff will have to sue for declaration of title and the consequential relief of injunction.

10. In addition to that when the cloud over the title of the property is admitted by the plaintiff itself then as per ***Section 41 (h) of Specific relief act*** as follows: ***Injunction when refused.- h. when equally efficacious relief can certainly be obtained by any other usual mode of proceeding except in case of breach of trust;***

As per the judgment cited Supra when there is a cloud over on title of the plaintiff, then plaintiff has to seek the declaration of title if not the bare injunction suit will not lie. Even though the plaintiff claiming that the property was purchased out the income of her husband but the will was registered in the favour of defendant for the suit property which is marked as Ex.B2. Ex.B2 is the registered will executed infavour of the 1st defendant by the deceased Pichammal in the year 1992 itself. Even though will is to be proved only through the

attestation of that will for the claiming the title. Here defendant is only defending the suit for the claim made by the plaintiff for the bare injunction not for the title. Therefore the principles required for proving the will was does not arise. The will is duly registered therefore presumption for the genuinity over that Ex.B2 is infavour of the 1st defendant as per Section 79 of Indian Evidence Act – ***Section 79 of Indian Evidence Act*** as follows: *Presumption as to genuineness of certified copies. The Court shall presume to be genuine every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact and which purports to be duly certified by an officer of the Central Government or of a State Government, or by any officer in the Slate of Jammu and Kashmir who is duly authorized thereto by the Central Government;*

Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

The Court shall also presume that any officer by whom any such document purports to be signed or certified held when he signed it, the official character which he claims in such paper.

Ex.A9 is the unregistered settlement deed executed in faovur of the plaintiff by the deceased Pichammal cannot override the Ex.B2 because it is registered one and it was registered in the year 1992 itself. The Ex.A9 was written in the year 2006 that to it was not registered then it cannot prevail over the Ex.B2.

11. As per the reasons discussed above the Issue No. 1 is answered against the

Plaintiff.

12. RESULT :

In the result the 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 09th day July 2026.

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

Plaintiff's side Witness:

PW 1 – Jamuna (Plaintiff)

PW 2 – Nala perumal (Plaintiff's Husband)

PW 3 – Kuttybabu (3rd party)

Plaintiff's side Exhibits:

Ex.A1	04.12.1986	Sale agreement for the suit property executed in favour of plaintiff	Original
Ex.A2	02.01.1987	Sale deed infavour of plaintiff	
Ex.A3	13.04.1994	Notice given by the special Tahsildar to the plaintiff	
Ex.A4	08.07.1994	Patta for the suit property	
Ex.A5	23.11.1999	Receipt for the payment of mortgage of the suit property	
Ex.A6		House Tax receipts	
Ex.A7	14.08.2008	EB receipt	
Ex.A8		Family card	
Ex.A9		Settlement deed executed in favour of plaintiff by the plaintiff mother without registration of the document.	
Ex.A10		EB card for the suit property in the name of	

		plaintiff.	
Ex.A11		Release deed executed by the plaintiff and others in favour of 1 st defendant	
Ex.A12		Settlement deed executed by the Plaintiff mother infavour of 1 st defenant	

Defendant's Side Witness & Exhibits:

DW 1 - Balasubramanian

Ex.B1	02.01.1987	Sale deed for the part of suit property infavour of plaintiff mother	Xerox
Ex.B2	27.12.1991	Registered will executed by the plaintiff mother infavour of 1 st defendant	Xerox
Ex.B3	09.08.1994	Patta for the suit property	True copy
Ex.B4	18.09.2006	EB card	Original
Ex.B5	27.09.2016, 16.03.2023	House tax receipts	Original
Ex.B6	27.09.2016, 16.03.2023	Water tax receipts in the name of 1 st defendant	Original
Ex.B7	12.03.2009	Death certificate of Pichammal	Xerox
Ex.B8	08.10.2009	Legal heirship certificate for Pichammal	Xerox
Ex.B9	11.11.2011	Family card	Xerox

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