

In the Court of Principal Subordinate Judge, Karur.

Present:- Tmt. K.L. Priyanga, B.A.,B.L., (Hons)

Principal Subordinate Judge, Karur.

Thiruvalluvarandu 2057, Sri Parapava year, 15th day of Month of Aadi

Friday, the 31st day of July - 2026

O.S.No.215/2016

CNR.No.TNKR03-000435-2016

1. Meenakshi

2. Parvatham

... Plaintiffs

// versus //

1. A. Subramanian (died)

2. S. Thirumoorthy

3. Logeswari @ Vembarasi

4. Parvathi

... Defendants

(4th defendant was impleaded as legal heir of
the 1st defendant as per order in I.A.No.976/2019 dated 14.11.2019)
(Plaint amended as per order in I.A.No.1/2020 dated 22.01.2020)

This suit coming on this day of 16.07.2026 before me for final hearing in the presence of Thiru. R. Manivel, the learned counsel for the plaintiffs and the 1st defendant reported as dead and in the presence of Thiru. K. Ramesh, and the defendants 2 and 3 remained exparte and the learned counsel for the 4th defendant, having stood over for consideration till this day, and upon hearing arguments on both sides and perusing the oral and documentary evidences, this court doth delivering this...

JUDGMENT

This suit has been filed by the plaintiffs seeking relief of preliminary decree for partition to divide the suit properties into three equal shares with reference to good and bad nature of soil and to allot two such consecutive shares to the plaintiffs and

P.S.J.C, Karur O.S.No.215/2016 Dated 31.07.2026 Meenakshi and anr /vs/ Subramanian (died) and 3 ors.

put the plaintiffs in separate possession of the same and for permanent injunction restraining the defendants , their men, agents, servants, subordinates or anyone on behalf of them from creating any kind of encumbrances over the suit properties till the suit properties is partitioned among the plaintiffs and the defendants and for costs.

2. BRIEF AVERMENTS OF THE PLAINT:-

2.1) The suit properties are situated at Kakrundayampalayam Village, Aravakurichi Taluk, Karur District. The plaintiffs are the daughters and the 1st defendant is son of the deceased ASmmaiyappa Gounder , Son of Seeranga gounder. The defendants 2 and 3 are the son and daughter of the 1st defendant. The plaintiffs and the defendants constitute a Hindu undivided family. The plaintiffs were given marriage and they are residing alongwith their respective family in the said addresses. At the time of their marriage, no seervarisaies were given to them by their parents. Originally the suit properties belonged to the said Ammaiyappa Gounder ancestrally and he had been in possession and enjoyment of the same till his death . The said Ammaiyappa gounder died leaving behind him, his wife Palaniyammal, his daughters namely the plaintiffs herein and his son namely the 1st defendant as his legal heirs to succeed to his estate. Subsequently, the said Palaniyammal died on 18.06.2006 leaving behind her, her daughters namely the plaintiffs and her son namely the 1st defendant as her legal heirs to succeed to her estate.

2.2) After the death of Ammaiyappa Gounder, the plaintiffs and the 1st defendant were put in possession of the suit properties and since then the plaintiffs and the defendants (the defendants 2 and 3 being the issues of the 1st defendant) are in joint possession and enjoyment of the same as joint owners . The patta Nos.886, 614,927 some of the other persons name are found place. The other persons do not

have any right over the properties covered under the said pattas. Already the plaintiffs took steps to remove those persons name from the pattas through revenue officials. As such the plaintiffs and the defendants were put in joint possession and enjoyment of the suit properties and since then they are in joint possession and enjoyment of the suit properties in common without making any partition or division by metes and bounds.

2.3) The plaintiffs being one of the joint family members have been contributing their own physical labour and efforts fro the development of the suit properties. There is no joint family debts. In the suit properties, the plaintiffs are entitled to common 2/3rd share and the defendants are entitled to the remaining common 1/3rd share as per the Hindu Succession Act. Since it is no longer possible for the plaintiffs to enjoy the suit properties in common alongwith the defendants, on 10.05.2015 the plaintiffs met the defendants through elderly members and demanded them to come forward for an amicable partition. But the defendants were not amenable and evaded for the partition. Hence, the plaintiffs have issued legal notice dated 07.08.2015 to the 1st defendant and the 1st defendant had received the notice on 10.08.2015. But he failed to comply with it.

2.4) During the pendency of the suit, the 1st defendant namely A. Subramanian died on 16.11.2017 leaving behind his wife Parvathi and his son and daughter namely the defendants 2 and 3 as his legal heirs to succeed to his estate and they have become entitled to the estate of the deceased 1st defendant. On 10.03.2016, the defendants alongwith their hench men tried to create encumbrances over the suit properties in their favour. Hence the suit.

3) BRIEF AVERMENTS IN THE WRITTEN STATEMENT FILED BY THE 1st AND 4th DEFENDANT:-

That the plaint averments are all false and vexatious. The averments stated in para 5,6,7,8,9 are all denied as false and the same has to be proved by the plaintiffs. On the other hand, because of the demand of the plaintiffs, the defendants have tried to create encumbrances forged documents over the suit properties between themselves and third parties. The suit filed by the plaintiff is a malafide one. There is no cause of action and hence this suit is liable to be dismissed.

4. SETTLED ISSUES:-

- 1) Whether the Plaintiffs are having right and title over the suit properties?
- 2) Whether the Plaintiffs are entitled to 2/3 share of the suit schedule properties?
- 3) Whether the plaintiffs are entitled to the relief for partition as prayed for?
4. Whether the plaintiffs are entitled to the relief of permanent injunction regarding suit properties?
- 5) What are the other reliefs?

5) EVIDENCE:

On the side of the plaintiffs, the 2nd plaintiff herself examined as PW1 and Ex.A1 to A8 were marked. On the side of the Defendants, no witnesses have been examined and no documents were marked.

6) DISCUSSION WITH RESPECT TO ISSUE NO.1 to 4:-

6.1) This suit has been filed by the plaintiffs seeking relief of partition and for permanent injunction. The case of the plaintiffs is that the suit properties originally

belonged to Ammaiyappa Gounder by way of ancestral in nature who died leaving behind his wife Palaniyammal, his daughters namely the plaintiffs and his son namely the 1st defendant as his legal heirs and the said Palaniyammal also died on 18.06.2006 leaving behind the plaintiffs and the 1st defendant as her legal heirs and they are in joint possession and enjoyment and when the plaintiffs sought for partition, the defendants tried to create encumbrance over the suit property and hence, the suit. In contra, the contention of the defendants is that the plaintiffs are not at all entitled to the suit property.

6.2) Heard both sides. This court carefully scrutinizes the oral and documentary evidence on both sides. While the contention of the plaintiffs is that the suit properties are in joint possession and enjoyment of the plaintiffs and the defendants, the rival contention of the defendants is that they are not entitled to partition. It is an admitted fact that the suit properties belonged to Ammaiyappa Gounder and he died intestate leaving behind his wife Palaniyammal, his daughters namely the plaintiffs and his son namely the 1st defendant. It is also an admitted fact that the said Palaniyammal also died on 18.06.2006 leaving behind the plaintiffs and the 1st defendant as her legal heirs. It is also not in dispute that 2 and 3 defendants are the issues of the 1st defendant. This court is now inclined to look into whether the suit properties are in joint possession and enjoyment of the plaintiffs and the defendants are not.

6.3) It is the admitted fact on both the sides that, on 16.03.2001, items 3 and 5 of the suit properties were sold out to one Rangasamy even during the life time of the father of the plaintiffs namely Ammaiyappa Gounder alongwith the defendants. The same is also enlightened by way of encumbrance certificate produced on the side of defendants. It is also an admitted fact that on 24.01.2019, and 29.03.2021, 2 to 4

defendants and the 1st plaintiff sold out their shares in item 1 to 4 of the suit property in favour of the third parties. In the same way, on 03.01.2024, and 04.04.2024, the 2nd plaintiff also sold her 1/3 share in the item no.1 to 4, 5th of the suit property in favour of the third party. It is evident from the encumbrance certificate produced by the defendants.

6.4) It is also an admitted fact that with regard to 11 and 13th item of suit property, Acre 0.60 in 13th item of the suit property and 8,725 sq.ft in the 11th item of the suit property were also sold by Ammaiyappa Gounder and 1 to 3 defendants in favour of one Ganapathy and one Subramaniyan and it is also evident from the encumbrance certificate produced on the side of the defendants.

6.5) A memo has been filed by the plaintiffs on 16.07.2026, stating that the plaintiffs are taking partition except item 1 to 5, 11, 13 and share of the 2nd plaintiff in 6th item of the suit property. Though, the defendants have stated that the plaintiffs are not entitled to any of the property, it is evident from the encumbrance certificate filed by the defendants themselves that the plaintiffs and the defendants were in joint possession and enjoyment of the suit property which leads to the above encumbrances jointly by them.

6.6) The defendants have also not let in evidence to prove that there were encumbrances in respect of other items of the suit properties. Therefore, this court finds that the plaintiffs having proved that they are the legal heirs of the Ammaiyappa Gounder and they are in joint possession and enjoyment of the suit properties, this court finds that the plaintiffs are entitled to the relief of 2/3 share of partition with regard to items 7 to 10, 12 and 1st plaintiff is also entitled to 1/3 share of partition with regard to 6th item of suit property. Thus issues nos. 1 to 4 answered accordingly.

7) DISCUSSION AS TO ISSUE NO.5:

Since, issue no 1 to 4 are answered partly in favour of the plaintiffs, this court finds that the plaintiffs are not entitled to any other relief.

8) Result,

In the result, the suit is partly preliminarily decreed, declaring that the plaintiffs are entitled to 2/3 share in items 7 to 10, 12 of the suit property and 1st plaintiff is also entitled to 1/3 share of partition with regard to 6th item of suit property, and partition is granted to the plaintiffs in respect of 2/3 share in item 7 to 10, 12 of the suit property and the 1st plaintiff is also granted partition in respect of 1/3 share with regard to the suit property and for permanent injunction restraining the defendants, their men, agents, servants, subordinates or anyone on behalf of them from creating any kind of encumbrances over the share of the plaintiffs in the suit property till final partition is effected and the suit is dismissed with regard to items 1 to 5, 11,13 and in respect of share of 2nd plaintiff in 6th item of suit property and without costs. For appearance of both the parties for final decree proceedings. Call on 30.09.2026.

Dictated to Steno-Typist, typed by her directly on computer after carrying out corrections and pronounced by me in the open court on this the 31st day of July -2026.

**Principal Subordinate Judge,
Karur.**

WITNESSES EXAMINED ON THE SIDE OF THE PLAINTIFFS:-

PW1 Parvatham (2nd Plaintiff)

DOCUMENT MARKED ON THE SIDE OF THE PLAINTIFFS:-

Ex.A1	29.10.2007 Copy of computerized patta no.1569 of Karudaiyampalayam village.
Ex.A2	29.10.2007 Copy of computerized patta no.910 of Karudaiyampalayam vil- lage.
Ex.A3	24.07.2015 Copy of computerized patta no.886 of Karudaiyampalayam vil- lage.
Ex.A4	29.10.2007 Copy of computerized patta no.614 of Karudaiyampalayam vil- lage.
Ex.A5	24.07.2015 Copy of computerized patta no.927 of Karudaiyampalayam village.
Ex.A6	Genealogical table
Ex.A7	07.08.2015 Copy of legal notice issued by the plaintiffs' counsel to the 1st defendant
Ex.A8	10.08.2025 Acknowledgement card of 1st defendant

WITNESSES ON THE SIDE OF THE DEFENDANTS :-

NIL

DOCUMENTS MARKED ON THE SIDE OF THE DEFENDANTS:-

NIL

**Principal Subordinate Judge,
Karur.**

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PRINCIPAL SUB COURT, KARUR

O.S.No.215/2016

AFT

Dated :-31.07.2026

DRAFT / FAIR JUDGMENT

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