

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yugathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Thursday, the 27th day of November 2025

I.A No.03/2025 in O.S No.72/2025

S.Perumal Joint family manager

...Petitioner/Plaintiff

- Vs -

1) Vellaisamy

2) Rajammal

...Respondents/Defendants

This petition has come up before this Court for final hearing on 11.11.2025 in the presence of Mr.B.Thiagarajan, the Learned Counsel appearing for the petitioner and in the presence of Mr. K.P.Rajendran, the Learned Counsel appearing for the Respondents and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed by the Plaintiff/Petitioner under section 151 of CPC seeking the permission of this Court to recognize the Petitioner/Plaintiff as joint family manager and to proceed with the above suit.

Brief averments in the affidavit:

2) The Petitioner is the Plaintiff in the above suit. The above suit is filed for the relief of Permanent Injunction against the Defendants. The above suit was filed by the Petitioner as a joint family manager, as the father of the Petitioner died leaving behind the Petitioner as his son and daughter Muniyammal and wife Veerammal to succeed his estate. Being the son, the Petitioner is managing the joint family and his family members are living as a joint family without any division of property left out by his father. They are the legal heirs to succeed the estate of the father of the

Petitioner. As the Petitioner is managing the property left out by his father Seva Goundar and as all other legal heirs, who are the sister and mother of the Petitioner are recognizing the Petitioner as the joint family manager, this petition is filed seeking the permission of this Court to recognize the Petitioner as the joint family manager of his family and to proceed with the above suit.

Memo filed by the Respondents seeking to adopt the written statement of the Defendants as their counter. The brief of the said written statement is as follows:

3) The Respondents have purchased the property in Vadavambadi Village in S.F.No. 435/1 to an extent of Acre 0.11 Cents and S.F.No.435/2 to an extent of Acre 0.86 Cents, totally to an extent of Acre 0.97 Cents from one Karuppasamy by way of a registered sale deed dated 17.02.1992. The above said property has been allotted to the share of the said Karuppasamy and then within the specified four boundaries, the said land has been purchased by the 1st Defendant/ 1st Respondent. All the above facts are very well known to the Petitioner.

4) Being so, the 1st Respondent has settled the above said property purchased by him in favour of his wife by way of a registered settlement deed dated 16.10.2020. In S.F.No.435/2, the Respondents have constructed an asbestos roof house and have been living therein for a period of more than 10 years and thereafter, before three years ago the Respondents have removed those asbestos sheds and had constructed a house and have been living in the said property. This facts were also very well known to the Petitioner.

5) The suit property in S.F.No.435/1 and 435/2 are originally belonged to the legal heirs of one Seeranga Goundar, namely Ramasamy Goundar, Narasinga Goundar, Sevaga Goundar and Karuppasamy Goundar. From the above said Karuppa Goundar only, out of the entire property his 1/ 4th share alone has been purchased by the 1st Respondent by way of the above registered sale deed within the specified four

boundaries and the Respondents have been in the possession and enjoyment of the said property.

6) This being so, the Petitioner colluding with the brother of the 1st Respondent and in order to disturb the peaceful possession of the Respondents over the suit property, has filed this suit and this petition with false averments. The above suit is bad for non-joinder of necessary parties. The Petitioner is not entitled for the relief sought for.

Point for consideration:

7) Whether this petition is entitled to be allowed or not?

Evidence:

8) There is no oral and documentary evidence adduced on either side.

Discussion:

9) Heard both sides. Perused records. Upon perusal of records, it is seen that the above suit has been filed by the Petitioner/Plaintiff against the Respondents/Defendants for the relief of Permanent Injunction in respect of the suit property till the disposal of the final decree petition and delivery of possession of the suit property. It is also seen that this petition has been filed seeking the permission of this Court to recognize the Petitioner/Plaintiff as the Joint Family Manager and to proceed with the above suit.

10) It is the case of the Petitioner/Plaintiff in the above suit is that the suit property are the ancestral property of the Plaintiff. The Plaintiff's father namely Sevaga Goundar had filed a suit for partition against the other sharers on the file of the Hon'ble Sub-Court, Kulithalai in O.S.No.150/1999, wherein a preliminary decree was passed on 12.08.2002. The Petitioner is also contended that when his father Sevaga Goundar has filed the final decree petition, he died on 13.01.2024. The

Plaintiff has also alleged that during the pendency of the final decree proceedings, one of the sharers namely Karuppa Goundar has sold out an extent of Acre 0.1 Cent to one Vellaisamy under a registered sale deed dated 17.02.1992 and the said Vellaisamy who is the 1st Respondent herein is also a party to the above suit in O.S.No.150/1999 and is bound to act according to the preliminary decree passed by the Sub-Court, Kulithalai.

11) The Plaintiff also alleged that the 1st Defendant herein has settled an extent of Acre 0.1 Cent in favour of his wife who is the 2nd Defendant herein, under a registered settlement deed dated 16.10.2020. The Plaintiff has also alleged that the Defendants have been doing construction work in the suit property in S.F.No.435/2 before allotment of shares and only after the allotment of shares in final decree, the Defendant has to construct in the proposed share allotted to them. Hence, the above suit has been filed against the Defendants by the Plaintiff for the relief of Permanent Injunction thereby restraining them from doing any construction work in the suit property till the disposal of the final decree and delivery of possession.

12) This being the case of the Plaintiff, he has contended that his father died leaving behind him as his son and daughter Muniyammal and wife Veerammal to succeed his estate. Therefore, being his son who is managing the joint family, the Petitioner is seeking the permission of this Court to recognize him as a joint family manager, as their family members are there living jointly without any division of property left out by the father of the Petitioner and there is no other legal heirs to succeed his estate.

13) Per contra, there is no specific objection filed on the side of the Respondents/Defendants rather they have filed a memo to adopt the contentions in the written statement filed by them in the above suit as counter to this petition as well. Admittedly, the suit property originally belonged to the legal heirs of Seeranga Goundar namely, Ramasamy Goundar, Narasinga Goundar, Sevaga Goundar (father of the Petitioner) and Karuppa Goundar. It is also seen that this fact was also

admitted by both parties. However, the Petitioner has contended that the father of the Petitioner has filed a suit in O.S.No.150/1999 before the Hon'ble Sub-Court, Kulithalai, wherein a preliminary decree was passed on 12.08.2002 and pending the final decree petition filed by the father of the Petitioner, namely Sevaga Goundar, he died on 13.11.2024.

14) As the Plaintiff/Petitioner being a son, he is managing the family property which are left out by his deceased father Sevaga Goundar. It is also seen that the Petitioner has also got attestation from his family members namely, his mother Veerammal and his sister Muniyammal in the petition affidavit as well by obtaining their left thumb impression over the same. From the perusal of the same, it is seen clear that the other family members of the Petitioner namely his mother and sister have also recognized the Petitioner as the joint family manager of their family and agreed for the same. Moreover, there is no specific objection on the side of the Respondents for permitting the Petitioner to proceed with the above suit in the capacity of the joint family manager. This being so, in the interest of justice, this Court is inclined to allow this petition and also ensures that if this petition is allowed, it would no way prejudice the Respondents herein.

Result:

In the result, this petition is allowed in the interest of justice. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 27th day of November 2025.

**Additional District Munsif,
Kulithalai.**

Petitioner side witness and document	- Nil.
Respondents side witness and documents	- Nil.

**Additional District Munsif,
Kulithalai.**