

**IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.****Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)**

District Munisf, Vadipatti

Dated the 09th day of March 2026**O.S.No:43/2015****CNR No.TNMD190003322015**

1. *K.P. Alagarsamy (Died)
2. *Kamalam
3. *Senthilkumar (Died)
4. *Logananth
5. *Bhuvaneswari
6. *Kalavathi

---- Plaintiffs**//Versus//**

1. Tmt. Rajammal (Died)
2. Venkatasamy
3. V. Govindasamy (Died)
4. *R. Rani
5. *R. Amutha
6. *R. Latha
7. *Saroja
8. *Vatsala
9. *Babi
10. *Sujatha

---- Defendants***Amended as per order passed in I.A. No.326/2015, dated 08.10.2015*****Amended as per order passed in I.A. No.372/2022, dated 23.08.2022*****Amended as per order passed in I.A. No.411/2022, dated 13.09.2022**



This suit was filed before this Court on 09.04.2015 coming before me for final hearing on 09.03.2026 in the presence of Advocate Thiru. AR. Sethupathi appeared for the Plaintiff and Advocate Thiru. R.A. Mohanram appeared for D2, D4 to D6. D1 and D3 died. D7 to D10 exparte on 20.10.2022. Upon hearing the arguments advanced by both sides counsel and upon perusing the available material records, today this Court has delivered the following....

Judgment

1. The suit was filed for declaration and consequential injunction.

2. Plaintiff facts in brief:

i. The plaintiff had pleaded as the suit property was a vacant house site, in natham survey no. 5/2, in patta no. 13, revenue survey no. 313/4 was originally purchased by the plaintiffs father in the year 1954 and it was in his possession since then. Later by an agreement with the northern side neighbor, the plaintiffs father gave away 8 feet wide land for construction. After the death of the plaintiffs father, the suit property was inherited by the plaintiff and he was in enjoyment of the property.

ii. The defendants own the lands on the eastern side of the plaintiffs property. They have laid foundation in their land. Thus the land on the western side of the defendants foundation belong to the plaintiffs. The defendants in 1998 asked the suit property by sale, as the plaintiff refused they were attempting to encroach the suit property.



3. Facts in written statement in brief:

i. The defendants in their written statement had denied the entire plaint contention and pleaded as the suit property was their ancestral properties. It was allotted to the defendants by partition deed dated 05.12.1950. Also the suit property was in the possession and enjoyment of the defendants. The plaintiff's father do not have any properties in existence. The land to the west of the defendants land belong to one Seethaiammal and it was settled to one Muthu kulasekaran and his wife in 1954. Even in that document the plaintiffs property was not mentioned in the four boundaries. Further from the A, B, C schedule properties the east west length was totally 120 feet. In that the defendants did not lay the foundation as boundaries but was in possession of the property by planting vegetables. The defendants did not asked the plaintiffs property for sale as alleged in the plaint. The suit property only belong to Kulasekaran and Aathilaksmi ammal but they were not parties to the suit. Hence the suit was devoid of merits and liable to be dismissed.

4. On the perusal of plaint, written statement and entire records, issues were framed as follows,

I. Whether the suit property was purchased by the father of plaintiff by a registered sale deed dated 19.11.1954 and the plaintiff entitled for the same?

II. Whether the plaintiff and his predecessor in interest are in continuous possession of the suit property?

III. Whether the suit is bad for non joinder of necessary and proper parties?

IV. Whether the cause of action alleged in the plaint is true?

V. Whether the suit property is properly valued for the purpose of court fee?

VI. Whether the plaintiff entitled for a decree of declaration as prayed for?



VII. Whether the plaintiff is entitled for a decree of permanent injunction as prayed for?

VIII. To what such other reliefs if any, is the plaintiff entitled?

5. The plaintiff had examined himself as Pw.1, also examined Pw.2, 3 and 4. The plaintiff had marked Ex.A.1 to 13. Ex. A.1 was the Sale deed vide doc.no.2744, Ex. A.2 was the patta no.13 Ex.A.3 to 6 were the kist receipts, Ex. A.7 was the FMB Extract, Ex. A.8 and 9 were Chittas, Ex. A.10 was the rough sketch, Ex. A.11 and 12 were the Photographs and Ex. A.13 was the Photo studio receipt dated 30.03.1999. The plaintiff had also marked the commissioner report as Ex.C.1 to 7.

The defendants had examined Dw.1 to 3 and had marked Ex.B.1 to 17. Ex. B.1 was the partition deed, Ex. B.2 to 15 were Kist receipts from 1979 to 2011, Ex. B.16 was the FMB Extract of the suit property and Ex. B.17 was the rough sketch. The defendant also marked the commissioner report as Ex.C.8 to 11

6. Points for determination:

Issue: I. Whether the suit property was purchased by the father of plaintiff by a registered sale deed dated 19.11.1954 and the plaintiff entitled for the same?

Issue: II. Whether the plaintiff and his predecessor in interest are in continuous possession of the suit property?

Issue: VI. Whether the plaintiff entitled for a decree of declaration as prayed for?

i. For convenience in discussion the above issues are answered together. The plaintiff had sought for declaration of title to declare that the suit schedule mentioned property belong to him.



ii. Heard both sides, written arguments filed and records perused. This suit was filed for substantial relief of declaration of title. To claim declaratory relief, the plaintiff cannot claim a new right but only can remove the cloud over the pre-existing right. Hence in this suit as the plaintiff claimed that the suit property belong to him, the burden of proof lies on the plaintiff to prove the claim.

iii. The main contention of the plaintiff was that, the suit property was purchased by his father. After his father's death, the plaintiff had inherited the suit property and was in possession since then. But without any right, the defendants were claiming the suit property and were trying to grab the suit property by disturbing the plaintiffs possession, thus the plaintiff had filed this suit. The plaintiff to prove his case had examined himself as Pw.1, also examined Pw.2 to Pw.4 and had filed Ex.A.1 to 13, along with advocate commissioner report and plan.

iv. From the appreciation of entire plaint pleadings, it can be seen that the suit property was claimed to be located in natham survey no. 5/2, present revenue survey no.313/4 of dimension 33 feet on the north and south, 50 feet on the west and 57 feet on the east. The plaintiff claims the title for the suit property. Now it is necessary for this court to analyze the plaintiff side evidence to decide the suit claim.

v. From appreciating the entire plaintiff side evidence, though the plaintiff had let in oral evidence, since the issue is regarding the boundary and measurement of vacant natham land, oral evidence cannot be solely relied upon to decide the issue but it can only support the documentary evidence. The title of the plaintiff can only be proved primarily through documentary evidence, the plaintiff to prove his case had marked Ex.A.1 to 13. Among the above documents;



Ex. A.1 was the Sale deed in doc.no.2744/1954, by which a natham land with a hut was sold to Perumal reddyar (plaintiff's father) by 1. Thanikodi reddyar and 2. Vengidasami reddyar. The land had dimension of 33 feet running east to west and 65 feet running north to south, with boundaries; to the south of Nanammal land, to the west of Vengidasamy reddyar land, to the north of purchasers land, to the east of Sokkammal land. The survey number of the land and total extent was not mentioned in the sale deed. Only four boundaries and measurements were mentioned.

Ex. A.2 was the Patta No.13, for 163 sq.m of natham land, in survey no. 313/4, old survey no. 5/2part, issued in the name of the 1st plaintiff. The F.M.B. of the land was attached on the backside of this patta, according to it the property was 13.8m on the north, 12.7m on the south, 15.2m on the east and 17.9m on the west. The land was bounded by survey no's. 313/5 and 313/6 on the north, also the above dimensions were found to be larger comparing with the dimensions on Ex.A.1 sale deed.

Ex.A. 3 and 4 were the kist receipts, by which, kist paid by the 1st plaintiff for the suit property and other property, in the patta no. 11 and 13 for the years 1993 and 1994.

Ex.A.5 and 6 were the kist receipts, by which, kist paid by the 1st plaintiff for the suit property for the years 1995 and 1999.

Ex.A.7 was the FMB extract, for the entire survey no. 313. In this document the dimensions of the suit property in survey no. 313/4 was mentioned as; 10m on the north and south, 15.2m on the east and 17.6m on the west. These dimensions matches with Ex.A.1 - sale deed for the north and south dimensions but differs from Ex.A.2 - patta.

Ex. A.8 was the Chitta, for the suit property in the name of the 1st plaintiff.

Ex. A.9 was the Chitta, for the property in survey no.20/3B in the name of the 1st plaintiff.

Ex. A.10 was the rough sketch, of the suit property.



Ex. A.11 and 12 were the Photographs and
Ex. A.13 was the Photo studio receipt dated 30.03.1999.

vi. The plaintiff had also marked the commissioner report with plan and survey reports as Ex.C.1 to 7. Ex.C.1 and 2 was the commissioner report and plan filed by advocate commissioner to show the physical features of the property without the aid of surveyor. Ex.C.3 to 7 was the advocate commissioner report and plan with surveyor reports. According to the Ex.C.3 report, the commissioner had shown the land according to the plaintiffs Ex.A.1 sale deed and the defendants partition deed were overlapping.

vii. According to the plaint pleadings and by careful appreciation of the plaintiff side documents, in Ex.A.1 - sale deed of the year 1954, the survey number of the property was not mentioned, also the four boundaries in the Ex.A.1 sale deed, differs from the present boundaries shown in the suit schedule, according to this deed, the property mentioned in the deed was purchased by the 1st plaintiff's father.

viii. Further Ex.A.2 - patta mentioned dimensions did not match with the dimensions of the suit property. The Ex.A.2 patta had larger dimensions than the suit property. In the F.M.B. attached on the backside of the Ex.A.2 - patta, the dimensions were shown as 13.8m on the north, 12.7m on the south, 15.2m on the east and 17.9m on the west. But in the Ex.A.7 – F.M.B., except the eastern side dimension other 3 sides matches with the suit property dimensions. The eastern side dimension was lesser in Ex.A.7 - F.M.B., than the dimension mentioned in Ex.A.1 sale deed. To which the plaintiff pleaded that, 8 feet wide land on the northern side of the property was given to the northern side owner for construction and the remaining land was the suit property and it was in the possession of the plaintiffs.



ix. On comparing the dimensions mentioned in Ex.A.2 patta with Ex.A.7 – FMB for the suit property, In Ex.A.2, the suit property was mentioned to be of dimensions;

- 13.8m on the north, 12.7m on the south, 15.2m on the east and 17.9m on the west.

But in Ex.A.7 – F.M.B., the dimensions of the suit property was mentioned as;

- 10m on the north, 10m on the south, 15.2m on the east and 17.6m on the west.

Also in the Ex.A.2 patta, the suit property was shown to be located on the south of survey no's. 313/5 and 313/6. Among these two survey numbers, the survey no. 313/5 was a house building belong to one C. Alagarsamy as mentioned in the suit schedule. But admittedly, the survey no. 313/6 belong to the defendants. It was not the case of the plaintiffs that the suit property was located to the south of the defendants property in survey no. 313/6.

x. The plaintiff claims to have purchased the suit property by Ex.A.1 sale deed, in the sale deed, the property was described as located on the south of Nanammal house site. Thus the property purchased by the Ex.A.1 sale deed have to be located to the exact south of the Nanammal house site but it cannot extent beyond the described boundary. According to the plaint, the present northern boundary was shown as C. Alagarsamy house, hence the property purchased by Ex.A.1 sale deed must lie on the exact south side of C. Alagarsamy house without exceeding the dimensions of C. Alagarsamys land. From Ex.A.7 – F.M.B. the said C. Alagarsamy house has northern dimension as 10.4m, southern dimension as 9.4m. As according to the Ex.A.1 sale deed, the suit property located to the south of C. Alagarsamy house, it cannot have its northern measurement exceeding the southern side of C. Alagarsamy house measuring 9.4m. But according to Ex.A.2 patta the plaintiff had northern measurement of 13.8m and according to Ex.A.7 – F.M.B. the plaintiff had



norther measurement of 10m, both the above documents in Ex.A.2 – patta and Ex.A.7 – F.M.B. show the measurements exceeding the northern side boundary comparing to the Ex.A.1 sale deed.

xi. Thus from the plaintiff side documents, this court can find that even though the survey number was not mentioned in the Ex.A.1 sale deed, as the dimension of the property matches to an certain extent with Ex.A.7 – Field Map Book, the suit property can be identified from Ex.A.7 - F.M.B. But the dimensions of the suit property exceeds the four boundaries mentioned in the Ex.A.1 sale deed. The suit property was also identified by the advocate commissioner reports.

xii. The Ex.C.1 and 2 – advocate commissioner report shows the physical features of the property but not its measurements. Further the Ex.C.3 to 7 advocate commissioner report shows the suit property was located in survey no.313/4 but mentioned while measured as according to the defendants partition deed, the defendants property overlap with the suit property. As the plaintiff side evidence and the advocate commissioner report was not conclusive, this court had to look into the defendant side evidence.

xiii. The defendants contention was that the suit property never belonged to the plaintiff's vendors, as they do not had any property in Neerathan village, thus neither the plaintiffs vendors, nor the plaintiffs were in possession of the suit property. Thus the plaintiff's father could not have purchased the suit property. Further according to their partition deed, the suit property was allotted as the defendants share. This land was falsely claimed by the plaintiff. To substantiate the defendant side contentions, Dw.1 to 3 were examined and Ex.B.1 to 17 were marked. Also the defendant side had appointed two advocate commissioners to inspect the property according to their partition deed. These reports were marked as **Ex.C.8 to 11**.



xiv. In the chief examination of Dw.1, it was deposed as the property was allotted to her father in law by the Ex.B.1 partition deed as the 2nd item in the A schedule. Later it was orally partitioned with her husband's brother and her husband. Further from the appreciation of the defendant side documents;

Ex. B.1 was the partition deed, in doc no. 257 of 1950. According to the document, partition was made among 4 persons, namely; 1. Vengidasamy reddyar, 2. Sangarappa reddyar, 3. Govinda reddyar and 4. Lakshmi ammal. By this deed, land in dispute was allotted to 1. Vengidasamy reddyar. The property was shown as a vacant site in the 2nd item of the A schedule with boundaries as, south of the 1st item of property, east of seethammal land, north of Pambaya reddyar land, west of 2nd persons share of property. With dimension of east - west running 35 feet and north south 77 feet.

Ex. B.2 to 15 were tax receipts from 1979 to 2011, in the name of Ramasamy reddyar and Rajammal, for the property in various door numbers. But in the pleadings the suit property and the adjacent defendants land was only shown as vacant site.

Ex. B.16 was the FMB Extract of the entire property in natham survey no.5 without any sub divisions.

Ex. B.17 was the rough sketch. In this the defendants land was shown to be located to the south of Vengidasamy reddyar house and Chinaramu reddyar house. The defendants shown as the land on the east of defendants property belong to Seethammal and plaintiff do not have any land to the east of the defendants land.

Ex.C.8 to 10 was the advocate commissioner report filed to identify the property of the defendant in according with Ex.B.1 partition deed. But in this commission, as the survey stones were not identified, property was measured by marking the neighboring property as reference point. As the survey stone was not identified, this commission cannot be relied upon.

Ex.C.11 was the advocate commissioner report filed to identify the defendants property. In this report the advocate commissioner had identified



the properties by finding the survey stones. The advocate commissioner also reported as the defendants property and the plaintiffs property were physically present in existence based on their own deeds. The advocate commissioner had also marked the portion of the north - south lane between the plaintiffs property and defendants property in his plan.

xv. Except the Ex.B.1 partition deed, the defendants documents Ex.B.2 to 17 were not document of title. In the Ex.B.1 partition deed, many other properties were partitioned, also they were listed with their survey numbers but the disputed property was shown as natham site with four boundaries and measurements but without any survey number. Admittedly the partition was made among three persons, three houses in this undivided natham survey number was allotted to the three persons along with the land located on the south of those houses. The defendants contention was that the defendants land was allotted to the 1st defendant's father in law by the Ex.B.1 partition deed as 2nd item in A - schedule. This 2nd item of property was shown to be of dimensions;

east - west running 35 feet and north south 77 feet.

As the survey number was not mentioned, the property can only be identified by measurements and four boundaries. The above mentioned property was described to be located as;

- to the south of 1st item of property (a house building),
- to the east of seethammal land,
- to the north of Pambayya reddy land,
- to the west of 2nd persons share of property.

xvi. As the property in dispute was located on the south of 1st item of property, now it is necessary to look into the description of the 1st item of Ex.B.1 partition deed. This house building was described to be of dimension;

east - west running 21 ¼ feet and north south 52 feet.



The above property was mentioned to located as;

- to the south of east – west street,
- to the east of Chinramu reddyars house and north – south lane,
- to the north of 2nd item of property,
- to the west of 2nd persons share of property.

Thus from the Ex.B.1 partition deed of the year 1950, the defendants present disputed property was described to be located to the south of this 1st item house. This house was located to the east of Chinramu reddyar house and of width 21 ¼ feet. Further the 2nd item of property was described to be located on the south of 1st item house property. It was not described in the Ex.B.1 deed, as the defendants land was located on the south of Chinramu reddyar house and the north – south lane. Thus according to the Ex.B.1 partition deed, the defendants could not have any land on the south of Chinramu reddyar house and the north – south lane by exceeding 21 ¼ feet. In such scenario, the defendants could not have 35 feet wide land on the south as the northern property was only 21 ¼ feet wide. But in Ex.C.11 – Advocate commissioner report, it was explained as physically the house in the north of the defendants property was 23.5feet. Hence from the four boundaries specified in Ex.B.1 partition deed, the defendants could only have 23.5 feet wide land but not 35feet.

xvii. Though both the sides have let in voluminous oral evidence, considering the nature of issue in hand is on vacant natham land, they cannot be relied on to prove the title and possession of the suit property but it can only be proved by documentary evidence. From appreciation of the entire materials place on record produced by both the parties, this court can find that, that the suit property was originally located in undivided natham land of survey no.313. This entire land itself was of irregular four side dimension as; 61m in the north, 44.4m in the south, 31m in the east and 42.8m in the west. The land was broader in the north and narrows down towards the south. The plaintiffs



contention was that his father had purchased a land of measurement; 33 feet in the north and south, 65 feet in the east and west. This purchase was made in 1954 by the Ex.A.1 sale deed. Later a 8 feet wide land in the north was given away to the northern side land owner, thereby the east and west measurements of his land got reduced. Thus at present the plaintiff inherited the suit property of measurements 33 feet in the north and south, 57 feet in the east and 50 feet on the west.

xviii. As pleaded in the plaint, the suit property was purchased by Ex.A.1 sale deed, Ex.A.2 natham patta was obtained, the property can be identified by Ex.A.7 – FMB and Ex.A.10 -Rough sketch. As already discussed, in Ex.A.1 - sale deed, the survey number of the property purchased was not mentioned, hence the property can only be identified by four boundaries and measurements. In the Ex.A.1 sale deed, of the year 1954, the property was described to be located on the south of Nanammal house site. The plaintiff did not file any proof regarding the dimension of Nanammal house site. But in the suit schedule, in the present four side boundaries and by Ex.A.10 – Rough sketch, it was mentioned as the suit property was located to the south of C. Alagarsamy house. Thus as in the Ex.A.1 sale deed, the suit property was specifically described to be the property on the south of Nanammal property, its measurements cannot exceed the northern side property. From Ex.A.7 – F.M.B. the land on the northern side of the suit property was only 9.4m wide, in such scenario the plaintiff cannot claim his land's width exceeding 9.4m. But the plaintiff claim as the suit property was of 10m wide. This the plaintiffs claim is against the boundaries mentioned in his Ex.A.1 sale deed. Also without explaining the difference in dimensions mentioned in the plaintiffs revenue documents in Ex.A.2 – patta and Ex.A.7 – F.M.B., the plaintiff cannot rely upon those documents to prove his possession and title.



xix. As already discussed, the suit property was identified by Ex.A.2 patta and Ex.A.7 – F.M.B. as it was located to the south of the properties in survey no. 313/5 and 313/6. But in Ex.A.1 sale deed and Ex.A.10 rough sketch, the suit property was shown as it was located to the south of single property in survey no.313/5. Thus the northern side boundary mentioned in Ex.A.2 – patta and Ex.A.7 - F.M.B. was contradictory to the Ex.A.1 sale deed and Ex.A.10 – rough sketch filed by the plaintiff. Thus due to the contradictions in four boundaries and measurements among the plaintiff's documents; Ex.A.1 – sale deed, Ex.A.2 – natham patta, Ex.A.7 – F.M.B. and Ex.A.10 – Rough sketch for the suit property filed by the plaintiff, this court concludes that the plaintiff did not properly identified the suit property to claim the relief of declaration of title and continuous possession.

xx. Also the plaintiffs contention was that there was a house in the suit property during its purchase in 1954. But no documentary evidence was let in this regard, it was only mentioned in Ex.A.1 - sale deed. As the defendants dispute the validity of Ex.A.1 – sale deed, the plaintiff had examined Pw.3 as he was a witness to the sale deed. Even Pw.3 did not depose as a house building was located in the suit property, he mentioned it as land and also depose as a common north - south lane was present in between the plaintiff and the defendants land. He further deposed as he did not know about the plaintiffs land on the south side of suit property. Thus Pw.3 had admitted a presence of common north – south lane, which was not at all mentioned in the Ex.A.1 sale deed. The learned defendant counsel pointed out that Pw.3 in his cross examination had deposed as there was no property for the plaintiff's father's vendors at Neerathan village, hence the defendants contend as the Ex.A.1 sale deed was executed to defraud the defendants land. But as the Ex.A.1 sale deed was a registered document, the defendants contention to dispute it can only be made by filing older reliable land documents for the natham suit property.



xxi. Further from the defendant side pleadings and evidence, as discussed above, vide Ex.B.1, it is clearly mentioned as their property was located to the south of the 1st item house property in A schedule of partition deed, hence it cannot extend beyond the southern side measurement of the 1st item house. The advocate commissioner appointed by defendants had clearly mentioned as, though the 1st item house was mentioned as 21 ¼ feet on the north in records, it was of 23.5 feet in the land. But the defendant claim 35 feet on the south of the 1st item house property by Ex.B.1 - partition deed. The advocate commissioner had clearly mentioned in his report as the defendants land was found physically according to their Ex.B.1 - partition deed. The defendants had not filed any present revenue records in their name, to correlate the property according to Ex.B.1 – partition deed.

xxii. Thus from analyzing the entire materials on record, this court can find that the Ex.A.1 - sale deed in the year 1954 and the Ex.B.1 partition deed in the year 1950 were executed for vacant natham land without surveying the property and making revenue subdivisions. They were executed based on the four boundaries present at that time, which is not applicable to the present condition of the suit property. Also in both Ex.A.1- sale deed and Ex.B1- partition deed, the northern side house buildings and the north – south lane was shown as boundary to identify their vacant natham land in the south. But at present both the plaintiff and the defendant were claiming lands of measurements exceeding their northern side house building, by including the north – south lane. Based on the plan filed with Ex.C.11 advocate commissioner report, both parties were claiming the land of north- south lane for themselves which was not allotted in their deeds and it was the dispute between them. Further as the plaintiff had sought for declaration of title to the suit property, the burden of proof is on the plaintiff to prove his title.



xxiii. Regarding the natham land, ***our Hon'ble High Court in SENTHIL @ SENTHIL KUMAR v. ANBALAGAN, SA.841/2021***, had decided as;

'18.First of all, it is to be noted that the natham patta cannot be equated to revenue patta as it has more evidentiary value than the revenue patta. The natham patta is granted for natham lands to regularize the occupation of lands by the villagers as the natham lands are meant for habitation of the villagers. The natham patta unlike the revenue patta need not be accompanied by documents of title. Therefore, the Courts below rightly relied on Ex.A1, to hold that the plaintiff had established his right to the suit property.....'

Thus our Hon'ble High Court had decided as natham patta is a document of title for natham land. But in the present case as the plaintiff claim title by Ex.A.1 - sale deed, it was not in consonance with the Ex.A.2 – natham patta and Ex.A.7 F.M.B. Also the property location as described by the plaintiff in the suit schedule and Ex.A.10 – rough sketch did not correlate but found contradictory with the Ex.A.2 patta and Ex.A.7 – F.M.B.. Hence this court concludes that the plaintiff cannot claim as he was in continuous possession of the suit property and the relief of declaration as sought in the plaint.

xxiv. These issues are decided against the plaintiff.

Issue VII. *Whether the plaintiff is entitled for a decree of permanent injunction as prayed for?*

i. The plaintiff prayed for permanent injunction as consequential relief. Regarding consequential relief ***our Hon'ble Apex Court in Padhiyar Prahladi Chenaji v. Maniben Jagmalbhai, (2022 SCC OnLine SC 258)*** had held as follows,

"11. From the impugned judgment and order passed by the High Court, it appears that the High Court has not properly appreciated the distinction



between a substantive relief and a consequential relief. The High Court has observed that in the instant case the relief of permanent injunction can be said to be a substantive relief, which is clearly an erroneous view. It is to be noted that the main reliefs sought by the plaintiff in the suit were cancellation of the sale deed and declaration and the prayer of permanent injunction restraining defendant No.1 from disturbing her possession can be said to be a consequential relief. Therefore, the title to the property was the basis of the relief of possession. If that be so, in the present case, the relief for permanent injunction can be said to be a consequential relief and not a substantive relief as observed and held by the High Court. Therefore, once the plaintiff has failed to get any substantive relief of cancellation of the sale deed and failed to get any declaratory relief, and as observed hereinabove, relief of injunction can be said to be a consequential relief. Therefore, the prayer for permanent injunction must fail. In the instant case as the plaintiff cannot be said to be in lawful possession of the suit land, i.e., the possession of the plaintiff is “not legal or authorised by the law”, the plaintiff shall not be entitled to any permanent injunction. ”

ii. In the present case, the plaintiff had sought declaratory relief as substantial relief to declare his title in the suit property and failed to get that, in such scenario, the plaintiff cannot claim the consequential relief of permanent injunction regarding the suit property.

iii. Since the main declaratory relief was not granted to the plaintiff as decided in the above issue, the plaintiff is not entitled for the consequential relief of permanent injunction. This issue is answered against the plaintiff.

Issue III. Whether the suit is bad for non joinder of necessary and proper parties?



The defendants though claim the suit was bad for non joinder of the neighboring land owners in the suit, the defendants did not let in any evidence to prove in what manner the suit was affected by not adding the other neighbors as parties to the suit. Though the defendants had raised this issue but they did not let in any evidence to prove this issue, thus this court decides as this suit was not bad for non-joinder of necessary parties.

Issue IV. Whether the cause of action alleged in the plaint is true?

The plaintiffs claim as the defendants demanded to sell the suit property to them but as it was denied by the plaintiffs, the defendants by claiming the title and disturbed the plaintiffs possession in the suit property. The defendants claim this cause of action was false. To prove this cause of action the plaintiffs had let in oral evidence, though it was questioned by the defendant side in the cross examination, it remained unrebutted. Hence the defendants did not prove the absence of cause of action in the plaint.

Issue V. Whether the suit property is properly valued for the purpose of court fee?

The defendants though claim the suit was bad for improper valuation, the defendants did not let in any evidence to prove in what manner the suit was affected by this issue. Hence as the defendants only raised this issue but did not let in evidence to prove this issue, this court decide as this suit was not bad for improper valuation.

Issue VIII. To what such other reliefs if any, is the plaintiff entitled?

From the above discussions the plaintiffs were not entitled for any other reliefs.

7. ***In the result***, the suit is dismissed, no costs.



Judgment directly dictated to the Stenographer and computerized error checked and Pronounced by me in open court this the **09th day of March 2026.**

District Munsif,
Vadipatti.

Plaintiff side witness :

Pw.1 – Krishnan

Pw.2 – Murugesan

Pw.3 – Govinda Reddiyar

Pw.4 - Raman

Plaintiff side documents :

Ex. A.1	Sale deed vide doc.no.2744/1954	Original
Ex. A.2	Patta no.13	Original
Ex. A.3	Kist receipt dated 05.10.1993	Original
Ex. A.4	Kist receipt dated 03.09.1994	Original
Ex. A.5	Kist receipt dated 16.09.1995	Original
Ex. A.6	Kist receipt dated 04.03.1999	Original
Ex. A.7	FMB Extract	Copy
Ex. A.8	Chitta	Certified Copy
Ex. A.9	Chitta	Certified Copy
Ex. A.10	Rough sketch	Copy
Ex. A.11	Photograph	Original
Ex. A.12	Photograph	Original
Ex. A.13	Photo studio receipt dated 30.03.1999	Original



Defendants side witness

Dw.1 – Rajammal

Dw.2 – Krishnan

Dw.3 – Rajagopal

Defendants side documents :

Ex. B.1	Partition deed dated 05.02.1950	Original
Ex. B.2	Kist Receipt dated 13.01.1979	Original
Ex. B.3	Kist Receipt dated 13.01.1979	Original
Ex. B.4	Kist Receipt dated 13.01.1979	Original
Ex. B.5	Kist Receipt dated 10.03.1980	Original
Ex. B.6	Kist Receipt dated 10.03.1980	Original
Ex. B.7	Kist Receipt dated 10.03.1980	Original
Ex. B.8	Kist Receipt dated 01.11.1989	Original
Ex. B.9	Kist Receipt dated 12.03.1993	Original
Ex. B.10	Kist Receipt dated 31.03.1994	Original
Ex. B.11	Kist Receipt dated 31.03.1995	Original
Ex. B.12	Kist Receipt dated 29.03.1996	Original
Ex. B.13	Kist Receipt dated 29.12.1997	Original
Ex. B.14	Kist Receipt dated 31.03.1999	Original
Ex. B.15	Kist Receipt dated 05.02.2011	Original
Ex. B.16	FMB Extract	Copy
Ex. B.17	Rough Sketch	Copy

Advocate Commissioner Reports:



Ex.C.1 to C.7	Plaintiff appointed advocate Commissioner report and plan
Ex.C.8 to 10	Defendant appointed advocate Commissioner – 1 report and plan
Ex.C.11	Defendant appointed advocate Commissioner – 2 report and plan

District Munsif,
Vadipatti.



DISTRICT MUNSIF COURT
Vadipatti
Fair Judgment
O.S. No.43/2015
Date :09.03.2026