

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI**PRESENT:** Thiru. M.P. Ramkishore, B.E., B.L., Hons'

District Munsif, Vadipatti.

Dated this the 21st day of July 2025**E.A. No.8/2025****in****E.P. No.27 / 2008**

1. Vadipatti Town Panchayat,
Rep by : Administrative Officer,
Madurai District.

.... Petitioner / 3rd party / 3rd party***//Versus//***

1. A. Kamatchi @ Kamatchiapillai,
S/o. Aadhimoolam Pillai
2. Bose @ A. Tamilselvan,
S/o. Aadhimoolam Pillai

.... Respondents / Petitioners(DH)/Plaintiffs

This petition was filed before this Court on 09.04.2025 and coming before me for final hearing on 21.07.2025 and Advocate Thiru. K.S. Radhakrishnan appeared for the Petitioner / 3rd Party / 3rd Party and Advocate Thiru. K.K. Ravie appeared for the Respondent / Petitioner / Plaintiff. Upon hearing the arguments advanced and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. The petitioner filed this application under order 21 rule 97 and 99 of C.P.C., to declare that the 'A' schedule property in the petition properties were same as E.P. schedule properties and those properties belong to the petitioner, further to dismiss the main E.P. with costs and to direct criminal action against the petitioners (DH's) in main E.P.

2. **Petitioners case in brief :**

i. The petitioner was a 3rd party to the main E.P. No.27/2008. The main E.P. was filed to execute the decree passed in O.S. No.54/2003. The properties in E.P. petition was described as 'B' schedule in the present petition. The crux of relevant facts in the petition was that, the petition properties were the punja land in resurvey nos.10/7B, 13/7B1 and 10/6C1 comprising a total extent of 0.15.00 Hectare, located in Neerathan Panchayath, listed as 'A' schedule in the petition. The petitioner's main contention was that, on 19.08.1965, the 'A' schedule properties were purchased from one Kamanapillai for constructing Vadipatti Bus stand. From then it was used as bus stand with retail shops and the property was under the control of Vadipatti Panchayath Board. At present the property survey numbers were subdivided as 10/6C1, 10/7B and 13/7B1.

ii. Then in the year 2003, the respondents herein along with their mother Avudaiyammal had filed a suit in O.S. No.54/2003 before the District Munsif Court, Madurai Taluk, by citing the properties in a 1951 lease deed as suit properties and by contending that those properties were the undivided family properties of Kamanapillai, Aadhimoolam pillai and their mother Subbammal. Later on 06.04.1961, Aadhimoolam pillai executed a release deed in respect of his shares and on the same date Subbammal executed a settlement deed in favor of Kamanapillai. Thereby the properties become the sole properties of Kamanapillai. Then Kamanapillai and Subbammal died and the property passed down to Aadhimoolam pillai by succession. The respondents herein were the sons of Aadhimoolam pillai and they filed the main suit by seeking relief of recovery of possession against old lessees Subramaniyam and Sethuraman.

iii. As the defendants were not in possession, they did not appear in the main suit. Thereby the respondents herein had obtained an exparte decree on 29.10.2003 in respect of the petition properties by suppressing the material facts. The respondents subsequently filed this main E.P., to execute the order obtained in the suit. But the main E.P. was dismissed by

this court on 02.07.2013. Thus the aggrieved respondents unlawfully filed a civil revision petition against the dismissal order dated 02.07.2013 before the Hon'ble Madurai Bench of Madras High Court, Madurai in C.R.P. (P.D.). (M.D.). No.145/2013. The Hon'ble High Court on 10.02.2025 passed an order against this petitioner and other contesting parties, to vacate and to hand over the possession of the petition premises to these respondents. Accordingly amina came to the suit property to take delivery but due to the objections raised by the present owners' delivery was not taken.

iv. The petitioner further contend as, in the settlement deed executed in the year 1961 in favor of Kamanapillai, the land of 26.5 cent in S.No.13/7B, 6 cent in S.No.10/6C was given to Kamanapillai and later he sold the above lands. The property mentioned in 1961 settlement deed and the land that was sold to the Panchayath board in 1965 were the same properties. But the respondents had filed the main suit fraudulently by showing the properties as mentioned in 1951 lease deed as the suit property.

v. According to the petitioner the true facts were, the petition 'A' schedule properties with other properties were settled to Kamanapillai by Subbammal on 06.04.1961. Later those properties were sold by Kamanapillai to Neerathan panchayath board on 19.08.1965 for construction of Bus stand. Before the sale deed in 1964, Kamanapillai had executed a sale agreement, in which it was mentioned as the lease to the defendants in main suit was ending in 1 year and only after the termination of lease, Kamanapillai agreed to execute the sale deed. But merely on the basis of the terminated lease deed, this main suit was filed.

vi. The petitioners then filed C.R.P. (MD). No. 10909/2023 before Hon'ble High Court by stating that this main suit decree was obtained fraudulently without disclosing the previous sale. The Hon'ble High Court had disposed the above C.R.P. by directing that, as the main suit was filed to evict the tenants, this E.P. can only be executed against the defendants in the main suit. After that delivery was again attempted in the main E.P. and it was objected by this petitioner and other land owners.

vii. The petitioners further contended that, the respondents themselves had admitted in the main suit that they cannot identify the suit property. Thereby advocate commissioner was appointed he inspected the place and filed a preliminary report by showing the properties of other persons that were already sold in the past. In the commissioner report the land belong to Vadipatti Town Panchayath in survey no. 10/6C1 was also included. Many petitions and suits were filed by those land owners and those proceedings were pending before various courts. The lands identified by the commissioner belonged to various persons and they were paying taxes for those properties.

viii. The main suit decree was brought by suppressing that the suit property was already sold. The decree was obtained collusively by without impleading the land owners. As the decree was fraudulently obtained, according to various precedents, petition filed to seek to set aside the above decree shall not be barred by limitation and res-judicata. Further the facts about the lease of the petition lands were mentioned in sale agreement dated 09.08.1964 and then after the termination of the lease period, Kamanapillai's properties were sold to the panchayath board. The main suit was filed by suppressing all the facts about the sale of the suit property. As the 3rd plaintiff, 1st and 3rd defendants died they were not added as parties in this petition. At present as the court amin had tried to deliver the petition properties, the aggrieved petitioner had filed this petition.

3. **Counter of R1 and R2 (decree holders) in brief: (Counter of R2 adopted by R1)**

The respondents in the counter affidavit denied all the averments of the petition and contented that the petitioners had already approached the Hon'ble High Court by filing CRP (MD) No. 2174/2023 and the petition was disposed. Thereby the present petition was not maintainable. The respondents ancestors had sold their land for vadipatti bus stand but even then the respondents have many properties in Vadipatti. The respondents properties lies next to Vadipatti bus stand. Further the petition properties were not located in the Neerethan Panchayat, but located only in Vadipatti. Even in the main suit the defendants Subramaniyan

and Sethuraman had deposed that the suit properties belong to this respondents. Then as the main E.P. was dismissed, C.R.P. (M.D.) No.1451/2013 was filed before Hon'ble High Court and the C.R.P. was allowed by directing this respondents to take possession of the suit property. The persons in the suit properties were not owners of the property but were encroachers. The encroachers namely Tamilselvan @ Subbareddy, Ramachandran, Panchavarnam and Chidambaram, Ramesh and Anusuya also S.V. Gandhi had filed various petitions in this E.P. proceeding and CRP's but they were dismissed. There was no proceeding pending for the suit properties in any other courts. The petitioner had not impleaded all the JD's in the main E.P. hence this petition was bad for non-jointer of necessary parties. The respondent did not file this E.P. to grab the petitioner's land but only the petitioner with an intention to encroach the suit properties had filed this petition with false facts. The C.R.P. filed by this petitioner in CRP (MD) No.2174 of 2023 was dismissed by Hon'ble High Court. Thus the petition was liable to be dismissed.

4. The petitioner to prove his case had examined Pw.1 and 2, further marked 16 documents from Ex.P.1 to 16, among those documents; Ex.P.1 was the release deed dated 31.05.1961, Ex.P.2 was the sale deed dated 19.08.1965, Ex.P.3 was the sale agreement dated 19.08.1964, Ex.P.4 was the patta no.340, Ex.P.5 was the plaint in O.S. No.54/2003, Ex.P.6 was the judgment in O.S. No.54/2003, dated 29.10.2003, Ex.P.7 was the decree in O.S. No.54/2003, dated 29.10.2003, Ex.P.8 was the commissioner report in O.S. No.54/2003, Ex.P.9 was the deposition of Pw.2 in E.P.No.27/2008, Ex.P.10 was the chitta dated 18.08.2022, Ex.P.11 was the order of our Hon'ble High Court in C.R.P. (P.D.) (M.D.) No.2174/2023 and C.M.P. (M.D.) No.10909/2023, dated 10.02.2025, Ex.P.12 was the encumbrance certificate, dated 09.09.2023, Ex.P.13 was the description of properties, Ex.P.14 was the order passed in E.A. No.53/2021 in E.P. No.27/2008 in O.S. No.54/2003, Ex.P.15 was the settlement deed dated 31.05.1961 and Ex.P.16 was the legal notice dated 22.12.2002. The respondents / decree holder had not let in any evidence in this proceeding.

5. After hearing both the sides and upon perusal of entire records this court had framed the following points to determine in the present petition,

- i. Whether this petition is maintainable under order 21 rule 97 and 99 of CPC?
- ii. Whether the petitioner is entitled for declaration as sought for?
- iii. Whether the main E.P. is liable to be dismissed as sought for?
- iv. To what other reliefs?
- v. For the costs.

6. Points for determination : I. Whether this petition is maintainable under order 21 rule 97 and 99 of CPC?

i. Heard both sides and records perused. Both the sides have filed written arguments with precedents.

ii. This point on maintainability of the petition was framed as the respondent contended that, the petitioner had filed C.R.P. (M.D.) No. 2174/2023 before our Hon'ble Madurai Bench of Madras High Court and it was disposed on 10.02.2025. Thereby this petition was not at all maintainable. To counter such ground the petitioner had argued that the above CRP was disposed after hearing both sides by observing that the E.P. was filed to eject the tenants, hence it was maintainable only against the tenants, it was a clarification order, not a meritorious order. But even after the order was passed, the respondents/ decree holders on 19.03.2025, tried to survey and deliver the petitioner's property and other properties with the aid of court amin without any notice. The petitioner objected the delivery attempt and filed this petition. Further the petitioners contend this decree as fraudulent decree, thereby it can be challenged in any collateral proceeding.

iii. On analyzing both side contentions on the point of maintainability of the petition, this court is of the view that the petitioner had not contended that the petitioner had already filed a previous petition, in which the matter directly or substantially in issues here

were between the same parties and they were already decided. Further the petitioner had countered this argument by pointing out that the respondent \ decree holder was trying to evict the petitioner and some other land owners, against the order of our Hon'ble High Court. From considering both the side contentions, it is clear that the petitioner had filed this petition by claiming that the respondent was trying to evict the petitioners from their property against the order of Hon'ble High Court. Further the learned petitioner counsel relied upon the judgment of *our Hon'ble Apex Court in SP Chengalva naidu v. Jagannath (1994) AIR 853*, to argue that the fraudulent decree can be challenged in any collateral proceeding. In such scenario, as the petitioner contend that the decree was fraudulently obtained, the maintainability of this petition only lies upon deciding the entire issues raised in this petition, hence at the outset this petition cannot be held as not maintainable.

II. Whether the petitioner is entitled for declaration as sought for?

i. The petition prays to declare that the petition mentioned A - schedule properties and the B - schedule properties were one and the same and to declare that the properties belong to the Vadipatti Town Panchayath. The petitioners' main contention was that the respondents / decree holders had filed the main suit and the present E.P. by listing the petition B - schedule mentioned properties as the suit properties. This description was taken from the lease deed dated 30.05.1951. Those properties along with some other properties were settled in favour of Kamanapillai on 06.04.1961 and the entire properties were sold for construction of Vadipatti bus stand on 19.08.1965 by Kamanapillai. But the respondents / decree holders had filed this suit to evict the lessees in the 1951 lease deed, supported by their right from the 1961 settlement deed. The respondent had suppressed the 1965 sale deed in their suit and the entire E.P. proceeding. The petitioner alleged that the leased properties were sold in the 1965 sale. Thereby the petitioners seek to declare that the properties in the 1951 lease deed, listed in the petition as 'B' schedule were same as the properties in the 1965 sale deed as listed as 'A' schedule in this petition.

ii. In the property description of the petition, in the A – schedule, four properties were mentioned as located in Neerathan village as follows;

1. **3 cents** in the **western part** of total extent of 11 cents in survey no. 10/6C,
2. **11 cents** in the **western part** of total extent of 1 acre 35 cents in survey no. 13/7B,
3. **3 cents** in the **eastern part** of total extent of 11 cents in survey no. 10/6C,
4. **15 cents** in the **center part** of total extent of 1 acre 35 cents in survey no. 13/7B.

iii. Further, in the B – schedule property, four properties were mentioned as located in Neerathan village as follows;

1. **2.5 cents** in the **western part** of total extent of 11 cents in survey no. 10/6C,
2. **4.5 cents** in the **north - western part** of total extent of 1 acre 35 cents in survey no. 13/7B,
3. **17 cents** in the **centre** of total extent of 1 acre 35 cents in survey no. 13/7B,
4. **5 cents of land and building with well** in survey no. 13/7B.

iv. From bare comparison of the extent, boundaries and survey number of both the properties in A and B schedule, this court can find that, the properties in ‘A’ schedule were of larger extent than the ‘B’ schedule with difference as mentioned below;

1. The property in survey no.10/6C in ‘A’ schedule and ‘B’ schedule were in same location with only difference in the east- west dimensions.
2. The property in survey no. 13/7B, was in item 2 and 4 of the ‘A’ – schedule for extent 11 cent and 15 cent, were in the same location with difference in dimensions.
3. The 3 cents property mentioned as item no.3 of the ‘A’ schedule property in survey no. 10/6C was not listed in ‘B’ schedule.
4. The property of 5 cents with well mentioned as item no. 4 of B schedule in survey no.13/7B cannot be identified with the properties in A schedule as this item of property was not described with four boundaries and dimensions.

v. From comparison of both the schedule of properties, this court can find that the 'A' schedule of property was of larger extent than the 'B' schedule property with same location in same survey number but only with difference in dimensions. Thus a larger portion of the item no.1, 2 and 3 properties in the 'B' schedule lies within the extent of item 1, 2 and 4 properties in 'A' schedule with only difference in dimensions. Thus this court can conclude that the major area of item 1, 2 and 3 of the 'B' schedule property lies within the A – schedule property but the dimensions were not the same. Thereby the 'B' schedule property partly lies within the 'A' – schedule property and also extend outside of the 'A'-schedule property in any one direction. The property in item no.3 of 'A' schedule was not in B schedule and the property in item no.4 of 'B' schedule cannot be identified.

vi. Further the petitioner sought to declare that the petition schedule properties belong to the Vadipatti town panchayath. The petitioner's contention was that the entire petition properties were settled to Kamanapillai in 1961, in 1964 he executed a sale agreement in favor of Vadipatti panchayath and later in 1965, Kamanapillai sold his entire properties to Vadipatti panchayath for construction of Bus stand.

vii. On perusal of the relevant petitioner side documents in this regard;

Ex.P.3 was the sale agreement dated 19.08.1964, executed by Kamanapillai in favour of Neerathan panchayath board for the 'A' – schedule properties. In the same agreement it was mentioned as the document mentioned properties were leased out to S.S. Ramasamy and after the lease period, Kamanapillai agreed to execute the sale deed for the document mentioned properties.

Ex.P.2 was the sale deed dated 19.08.1965, executed by Kamanapillai for the A- schedule properties in favor of 1. Vengitasamy reddy, 2. Sivasubramaniam, 3. Latchumana reddy and 4. Subba reddy. The learned petitioner council in his argument had stated that the above persons purchased the property as new board

members of Vadipaati panchayath. But no document was let in as evidence to prove that the above purchasers were the board members of vadipatti town panchayath.

Ex.P.4 was the present patta in the name of vadipatti town panchayath, that shows punja land in resurvey nos.10/7B, 13/7B1 and 10/6C1 comprising a total extent of 0.32.00 Hectare was in possession of vadipatti town panchayath.

Ex.P.8 commissioner report shows that the E.P. schedule properties were situated adjacent to the vadipatti bus stand.

Ex.P.10 was the chitta showing subdivisions dated 23.11.1971, made in survey no. 10/6C and 13/7B1. According to this chitta, the total extent of 11 cents in survey no. 10/6C was divided into two as follows;

- a. 10 cents in S.No.10/6C1 in the name of Neerathan Panchayath Board and
- b. 1 cent in S.No.10/6C2 in the name of 1. Subammal, 2. Kamanapillai, 3. Aadhimoolam pillai, 4. Rengasamy, 5. Vegidasamy, 5. Sivasubramaniyam and 6. Latchumanareddiyar.

In the same document the total extent of 1 acre 35 cents in survey no.13/7B1 was subdivided into two as follows;

- a. 0.42 cents in S.No.13/7B1 in the name of Neerathan Panchayath Board and
- b.0.93 cents in S.No.13/7B2 in the name of 1. Kamachipillai, 2. Narayanareddy, 3. Alagimeenal, 4. Rajasingh, 5. Vegidasamy, 6. Sivasubramaniyam, 7. Latchumanareddiyar, 8. Subbareddiyar, 9.Gurusamyreddy, 10. Papathiammal, 11. Kamanapillai, 12. Aadhimoolam pillai, 13. Kothaiammal and 14. Meenakshigounder.

Thus this chitta subdivision document proves that the properties in survey no. 10/6C and 13/7B were subdivided and allotted to Panchayath board and also to the ancestors of the respondents.

Ex.P.12 was the encumbrance certificate that shows for the entire 'A' schedule mentioned properties, Aadhimoolam pillai had executed a release deed in favor of Subbammal and Kamanapillai on 06.04.1961. On the same date for the same properties Subbammal had executed a settlement deed in favour of Kamanapillai. Further on 19.08.1964, Kamanapillai had executed a sale agreement for the entire properties in favour of Neerathan Panchayath Board. Later on 19.08.1965, Kamanapillai executed sale deed for the entire properties in favor of 1. Vengitasamy reddy, 2. Sivasubramaniyam, 3. Latchumana reddy and 4. Subba reddy.

Ex.P.15 was the sale deed dated 19.08.1965, by which **Kamanapillai executed sold the entire A -** schedule properties in favor of 1. Vengitasamy reddy, 2. Sivasubramaniyam, 3. Latchumana reddy and 4. Subba reddy.

viii. From the entire discussions made above and from the appreciation of entire petitioner side evidence, this court is of the view that the E.P. properties mentioned as B – schedule overlap with the 'A' schedule property, that was sold by Kamanapillai by Ex.P.15 sale deed to 4 persons. In such circumstance, as the petitioner prayed to declare the entire 'A' schedule property belong to the petitioner, no probable evidence was let in by the petitioner to prove that the 4 persons had transferred the entire properties to the petitioner. Further the Ex.A.8 commissioner report clearly shows the E.P. properties were around the vadipatti bus stand. The petitioner did not let in probable evidence to challenge the commissioner report. As this petition was filed under order 21 rule 97 of C.P.C. only third parties with bonafide possession of the property shall raise objection to delivery. But even though the petitioner had proved that part of the E.P. property was sold by the petitioner's ancestors, the petitioner did not let in any probable evidence to show that the petitioner was in possession of the entire E.P. schedule property.

ix. Further though the petitioner had sought to declare the entire 'A' schedule property belong to the petitioner but did not file any Field Map Book from the revenue department to enable this court to identify the properties and to compare the 'A' schedule and 'B' schedule properties for proper adjudication. Further as previously discussed above, though the properties in 'A' schedule and 'B' schedule were located in the same survey number, their dimensions differ. In such scenario, this court cannot held that both of the properties were one and the same.

x. Thus this court concludes that the properties in 'A' schedule and 'B' schedule were not one and the same, also as the petitioner did not file title documents for the 'A' schedule property to prove that the entire petition schedule property belong to the petitioner, hence the petitioner is not entitled to get declaration that the petition schedule properties belong to the petitioners.

III. Whether the main E.P. is liable to be dismissed as sought for?

i. The learned petitioner counsel argued as, the main E.P. was filed as to evict the lessees in the suit property, who were inducted in 1951 by lease and also to take delivery of the suit property. The petitioner's further contention was that the main plaint was pleaded as; the suit property originally belongs to the respondent / plaintiff's ancestor Kamanapillai by settlement deed dated 06.04.1961 executed by his mother Subbammal. On the same date Kamanapillai's brother Aadhimoolam pillai had executed a release deed for his share of the property in favor of his mother Subbammal and brother Kamanapillai. Thus the properties become the sole properties of Kamanapillai. After the death of Kamanapillai and Subbammal the properties again devolved upon Aadimoolampillai as he was their only heir. The respondents / decree holders claim the property as they were the heirs of Aadhimoolampillai.

ii. The learned petitioner counsel further argued as, the plaint had filed by suppressing the material facts as that on 19.08.1964, Kamanapillai sold all the properties received by him vide the 1961 settlement deed to construct bus stand. The sale deed executed by the plaintiff's ancestor was suppressed in this petition and the suit property was shown as the property in a old 1951 lease deed. As the entire property of the plaintiff's ancestor was sold in 1965, the respondents did not have any right in the suit property. Part of the suit property was used as bus stand at present. Hence this petition must be allowed and the main E.P. is liable to be dismissed.

iii. The learned respondent counsel had argued as, the respondent / decree holder had obtained decree in their favor hence they were entitled to get delivery of the property. The various persons in possession of the suit property were only encroachers and their claims were already dismissed. This court being executing court cannot go beyond the decree. Hence this petition was only filed to delay the delivery in the main E.P. and liable to be dismissed.

iv. The learned petitioner counsel had relied upon the judgments hereunder; 1. Tanzeem v. Bibi haliman (AIR 2002 SC 3082) - to argue as third party objector had to be heard before delivery of property. 2. Brahmdeo chaudhary v. Rishikesh Prasad (AIR 1997 SC 856) to argue as stranger claiming independent right can offer his resistance before dispossessed. 3. Shreenath v. Rajesh (AIR 1998 SC 1827) to argue as third party to decree in possession of the property had to be given opportunity in accordance with law. 4. G. Ramesh v. A.Kamatchi CRP. (MD) 625/2022 Order of our Hon'ble High Court to argue as the objector in possession had to be heard. 5. Kesavan v. Muthu gounder (2012 (6) CTC 307) to argue that u/s.114 the person prove to be in earlier possession was found to be in possession for long time. 6. AIR 1972 SC 1201 – Resjudicata not applicable in all I.A. orders that are not final, 7. 1989 Supp (2) SCC 627 – issue not decided by competent forum would not operate as Resjudicata, 8. TNLJ 1986 (74) –to argue as decree holder cannot take delivery of property even if one defendant had obtained stay in appeal and 9. 2009 (5) CTC

444 – Second Application for same relief is maintainable as it has not been decided finally and conclusively in earlier application.

v. The respondent had relied upon the judgments in; 1. Sriram housing finance Ltd. V. Omesha misra charitable trust (2022 (4) CTC 278), 2. Devadass v. Subordinate judge Ponneri (2003-4-LW-438) and 3. M. Sathyan Sundrarajan v. K.R.S. Janaldraman (2019 (5) CTC 104) to argue that only decree holder can file petition under order 21 rule 97. 3. Rahul s shaw v. Jinendra kumar Gandhi (2021 (2) MWN Civil 578) to argue as execution court cannot go beyond the decree. He also relied upon the judgments in AIR 1992 Allahabad 198, AIR 1988 Allahabad 52, AIR 1994 Himachal Pradesh 94, AIR 2000 Gujarath 36 to argue as objection raised by third parties under order 21 rule 97 is not maintainable before dispossession.

vi. Admittedly the main E.P. was pending for delivery of property. The petitioner's contention was that the E.P. property was already sold by the respondent's ancestors in 1965 to Panchayath for constructing Vadipatti Busstand but the respondents / decree holders had included the previously sold properties in the main suit by suppressing the sale deed and obtained a decree. Now the respondents were trying to execute that decree. To prove the petitioners contention Pw.1 and 2 were examined and Ex.P.1 to 16 documents were marked. The properties mentioned in the 1965 sale deed was shown as 'A' schedule property and the properties of E.P. petition was shown as 'B' schedule in this present petition.

vii. From the discussions made in the above issues it is clear that, the petitioner did not prove its title to the entire extent of petition schedule properties as prayed for. In such circumstance, as the petitioner did not prove its title or possession to the E.P. property, the petitioner cannot get the relief to dismiss the main E.P. petition.

IV. To what other reliefs? And V. For the cost?

The petitioner sought to recommend criminal action against the respondents. This relief was beyond the scope of this court and since the previous reliefs were denied to the petitioner, the petitioner is not entitled for cost and any other reliefs.

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

Directly dictated to the Stenographer directly typed in computer and computerized error checked and pronounced in the open court on the 21st day of July 2025.

District Munsif,
Vadipatti.

Petitioner side evidence:

Pw.1 – Jeyalakshmi

Pw.2 - Ramesh

Petitioner side documents:

Ex.P.1	Release deed dated 31.05.1961	Certified Copy
Ex.P.2	Sale deed dated 19.08.1965	Certified Copy
Ex.P.3	Sale agreement dated 19.08.1964	Certified Copy
Ex.P.4	Patta No.340	Online Copy
Ex.P.5	Plaint in O.S. No.54/2003	Xerox Copy
Ex.P.6	Judgment in O.S. No.54/2003, dated 29.10.2003	Certified Copy
Ex.P.7	Decree in O.S. No.54/2003, dated 29.10.2003	Certified Copy
Ex.P.8	Commissioner Warrant in O.S. No.54/2003	Xerox Copy
Ex.P.9	Deposition of Pw.2 in EP.No.27/2008	Certified Copy
Ex.P.10	Chitta dated 18.08.2022	Certified Copy
Ex.P.11	Order in CRP. (PD) (MD) No.2174/2023 and CMP (MD) No.10909/2023, dated 10.02.2025	Online Copy
Ex.P.12	Encumbrance Certificate, dated 09.09.2023	Original

Ex.P.13	Description of properties	Copy
Ex.P.14	Order passed in E.A. No.53/2021 in EP. No.27/2008 in O.S. No.54/2003	Xerox Copy
Ex.P.15	Settlement Deed dated 31.05.1961	Certified Copy
Ex.P.16	Legal Notice dated 22.12.2002	Certified Copy

Respondents side evidence and documents:Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT,
Vadipatti
E.A. 08/2025
in
E.P. No.27 / 2008
Fair Order / ~~Draft Order~~
Dated: 21.07.2025