

CNR.No.TNMD230003412024



IN THE COURT OF THE SUBORDINATE JUDGE OF MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Subordinate Judge, Melur,

Monday the 29th day of June 2026

O.S.No.210/2024

1. Neelavathi

2. Chellathammal

.....

Plaintiffs

// Vs //

1. Muthuchami

2. Kavitha

3. Chellamani

4. Murugesan

5. Gayathri

.....

Defendants

This suit came up on 16.06.2026 for final hearing before this court in the presence of Advocate.Mr.N.Vinayagamorthy, Advocate for the Plaintiff and Advocate.Mr.M.Arun Murugan and Mr.M.Chinnamuthu, Advocates for the defendants and heard arguments on both sides and upon consideration of entire material records and on hearing submissions made by the plaintiff counsel and defendant counsel and having stood over for consideration till this day, this court doth deliver the following :-

JUDGMENT

This suit has been filed for partition and to pass a preliminary decree for partition and separate possession of plaintiffs, 1/2 shares in the suit property and for declaration of settlement deed executed by the 1st defendant infavour of his wife Mrs.Kavitha who is the 2nd defendant herein on 29.07.2022 as Document No.6355/2022 and the declaration of settlement deed executed by the 4th defendant infavour of his wife

Mrs.Gayathri on 29.07.2022 as Document No.6356/2022 as null and void and for costs.

1). Brief averments of the plaint :-

(I) The suit property is situated in T.Ulagupitchanpatti, Thiruvathavur Village, Melur Taluk, Madurai District. After Mr.A.Manickkam, who did not make any arrangements regarding the property in question, passed away in 1999, concealing the fact that the heirs of his two wives, the 1st wife, Mrs.Mookammal, had jointly bequeathed 1/2 shares to the plaintiffs and the heirs of his 2nd wife, Mrs.Andammal, had jointly bequeathed 1/2 shares to the 1st, 3rd and 4th defendants and taking advantage of the illiteracy and lack of worldly knowledge of the plaintiffs, 1st, 3rd and 4th defendants formed a joint estate and 1st, 3rd and 4th Defendants the heirs of the second wife, filed a suit in O.S.No.221/2017 before the Learned District Munsif Court, Melur and settled the matter within 60 days through the lok adalat, dividing the property equally between the two brothers excluding the plaintiffs.

(ii) The plaintiffs came to know about this in August 2023 and filed a complaint with the District Collector on 16.10.2023 on the Public

Grievance Redressal Day, and subsequently sent a Revenue Divisional Commissioner's memorandum on 19.10.2023. When the defendants filed a complaint at the police station against the plaintiffs for refusing to vacate the property, the investigating officer issued settlement deed No.6355/2022 dated 29.07.2022, which were fraudulently produced by the defendants, stating that the gift settlement document made by the 1st defendant to his wife and the 2nd defendant should be cancelled, and settlement deed No.6356/2022 dated 29.07.2022, which was issued by the 4th defendant to his wife and the 5th defendant, should be canceled, and the plaintiffs should be given $\frac{1}{2}$ of the property. After three months, the defendants did not divide the $\frac{1}{2}$ share of the property belonging to the plaintiffs. The plaintiff has sent a legal notice to the defendants on 06.04.2024 and to divide the $\frac{1}{2}$ share of the suit property. The acknowledgment card was returned from the defendants who received it on 08.04.2024. Following this, the defendants' counsel fabricated false allegations that the plaintiffs were not entitled to $\frac{1}{2}$ the share and filed a reply notice on 18.04.2024. Hence this suit has been filed by the plaintiffs.

2) Brief averments of the written statement filed by the defendants :-

(I) The suit filed by the plaintiffs is barred by limitation. Under the applicable laws, the limitation period for filing such a suit has expired, and the suit is liable to be rejected on this ground alone. The plaintiffs have not approached the court with clean hands, as they have deliberately suppressed material facts regarding the previous family arrangements, settlements, and relinquishment deeds, which have a direct bearing on the present suit. This suppression of facts amounts to an abuse of the process of law and warrants the dismissal of the suit. The plaintiffs have failed to produce any credible evidence or documents in support of their claims regarding ownership or entitlement to the suit properties. The absence of such evidence highlights the baseless and vexatious nature of the suit.

(ii) The decree passed in the previous suit in O.S.No. 221 of 2017, has attained finality, and the plaintiffs are estopped from reopening settled matters. The present suit is nothing but an attempt to relitigate issues already resolved. The plaintiffs' claim is further barred by the principles of estoppel and acquiescence, as they have accepted the

benefits of the previous settlement and failed to challenge the earlier decree within the prescribed time. The valuation of the suit properties provided by the plaintiffs is inaccurate and not in accordance with the Valuation Act and applicable legal standards, making the suit procedurally defective. In light of the above, the suit filed by the plaintiffs is not maintainable and deserves to be dismissed with costs.

(iii) The defendant denies the allegations in their entirety and puts the plaintiff to strict proof thereof. Any assertion, implication, or contention in the plaint that has not been specifically admitted herein is denied, and the plaintiff is required to substantiate their claims with clear and convincing evidence. The address of the 2nd Plaintiff is wrong and she did not disclosed her husband name in the address. While it is alleged that the suit property belonged to Mr.Manickam, who had two wives, namely Mukkammal (whose legal heirs are the plaintiff's 1 & 2 herein) and Andammal (whose legal heirs are defendants 1, 3, and 4 herein), the same is admitted as true.

(iv) It is submitted that the facts stated in the plaint in O.S.No.221 of 2017 are true and supported by evidence. Specifically, it was clearly mentioned by the defendants in paragraph 7 of the previous suit that a

family arrangement/settlement was already entered into on 11.04. 2003 before the head persons of the village. As part of this arrangement, nearly 10 soverens of gold jewellery and 31 cents of valuable land were given to the 2nd plaintiff, who in turn executed a deed before the head person relinquishing her rights over the suit properties. These material facts, which are crutial to the present case, have been deliberately suppressed by the plaintiffs in their suit. The plaintiffs have deliberately suppressed the fact that another piece of land belonging to Mr.Manickam was settled in favor of his second wife's daughter, Mrs.Chellamani, by allotting her 30 cents of land. This fact was already clearly stated in paragraph VIII of the plaint in the previous suit, O.S. No. 221 of 2017. The plaintiffs' failure to disclose this critical information in the present suit amounts to a willful suppression of material facts, further demonstrating the baseless and vexatious nature of their claims.

(v) The plaintiffs have further suppressed material facts by failing to disclose that the first wife's elder daughter, the 1st plaintiff Neelavathi, is unmarried and has been suffering from ill health. Due to her condition and the fact that the second plaintiff, was unable to take care of her elder sister, the 1st and 4th defendants undertook the

responsibility of providing care and support for Neelavathi and accordingly provided and taken care till date. In consideration of this, Neelavathi voluntarily relinquished her rights over the suit properties in favour of the 1st and 4th defendants, who are her brothers. This fact was clearly stated in the previous suit, O.S. No. 221 of 2017, and its deliberate suppression in the present suit highlights the plaintiffs' intention to mislead the court and distort the truth.

(vi) The plaintiffs have not challenged the decree passed in the earlier suit, O.S. No. 221 of 2017, and as such, the decree has become final and binding on them. The settlement made in favour of the plaintiffs was duly recorded before the Lok Adalat, and the terms of settlement were legally formalized. Therefore, the plaintiffs are estopped from challenging or disputing the settlement or the decree, as it has already attained finality and is binding upon them. The valuation provided by the plaintiffs is not in accordance with the provisions of the Valuation Act and applicable law. The defendants dispute the accuracy and correctness of the valuation, as it does not reflect the true market value of the property, and they deny any reliance on such a valuation for the purposes of this suit. The plaintiffs are put to strict proof of the

valuation as stated in the plaint. Furthermore, the plaintiffs have no right to seek any relief against the registered settlement deed, as the rights over the property have already been legally transferred to the other defendants in accordance with the law. Therefore, the plaintiffs' claim is denied in its entirety, and they are put to strict proof of their entitlement.

(vii) The 1st and 4th defendants borne all the expenses for the treatment of their father Mr.Manickam, who suffered from cancer and underwent treatment at Meenakshi Mission Hospital. Despite being the legal heirs, the plaintiffs did not contribute or share in any of the expenses incurred for Mr.Manickam's medical treatment. The defendants undertook the responsibility of supporting their father during his illness, and the plaintiffs made no financial contribution towards his care. This fact further underscores the lack of any legitimate claim by the plaintiffs over the suit property, as they have not participated in the family's responsibilities. Hence this suit has to be dismissed with costs.

5. Issues:- (Framed on 17.03.2025)

1. Whether the decree in OS.No.221/2017 is binding upon the plaintiffs and the defendants ?
2. Whether the suit property settled in favour of the 2nd defendant by the 1st defendant dated 29.07.2022 is null and void ?
3. Whether the plaintiffs are entitled to the relief of partition and separate possession of $\frac{1}{2}$ share in the suit properties ?
4. Whether the settlement deed executed by the 4th defendant in favour of his wife 5th defendant herein is null and void ?
5. To what other reliefs plaintiffs are entitled to ?

7. Evidence:-

Both sides Heard. Records perused. On the plaintiffs side, the 1st plaintiff Mrs.Neelavathi was examined as PW1 and Ex.A1 to A13 documents were marked. On the defendants' side, the 1st defendant Mr.Muthuchamy was examined as DW1 and Ex.B1 to B18 documents were marked.

8. Determination of Issues:**(1). ISSUE No :- 1**

Whether the decree in OS.No.221/2017 is binding upon the plaintiffs and the defendants ?

1.1 On perusal of case records, this court finds that the plaintiffs are the daughters of one Mr.A.Manickkam through his 1st wife Mrs.Mookammal and the defendants are the legal heirs of Mr.Manickkam through his 2nd wife Mrs.Andammal. The 1st , 4th defendants are the sons of Mr.Manickkam through his 2nd wife Mrs.Andammal. The 3rd defendant is the daughter of Mr.Manickkam through his 2nd wife Mrs.Andammal. The 2nd defendant is the wife of 1st defendant in whose name the settlement deed was executed by the 1st defendant on 29.07.2022. The 5th defendant is the wife of the 4th defendant in whose name the 4th defendant executed the settlement deed dated 29.07.2022. The suit has been filed for partition and separate possession of the plaintiffs 1/2 shares in the suit property. The suit properties are situated in T.Ulagupitchanpatti in Thiruvathavur Village in Melur Taluka in S.No.419/4, nanja lands 30 cents, S.No.420/3 nanja

lands 14 cents, S.No.466/4B punja lands 36 cents, S.No.417/1B2 nanja lands 44 cents and S.No.419/7B nanja lands 11 cents.

1.2 The suit in OS.No.221/2017 filed before the Learned District Munsif Court, Melur by Mr.Murugesan who is the 4th defendant herein as against the son of Mr.Manickam through his 2nd wife, Mrs.Andammal who is the 1st defendant herein Mr.Muthuchamy and Mrs.Andammal wife of Mr.Manickam for partition and separate possession. It is evident from Ex.B7 which is the suit register of the above said case. Ex.B7 shows that the suit was settled before lok adalat on 09.03.2019 and the suit was closed accordingly. The award copy of the above said settlement before lok adalat was signed by the parties to the above suit in OS.No.221/2017 namely Mr.Murugesan (4th defendant) herein, Mr.Muthuchamy(1st defendant) herein and Mrs.Andammal (the 2nd wife of Mr.Manickam). It is found that Ex.B6 which is the legal heir certificate of the deceased Mr.Manickam was also filed before the learned District Munsif Court, Melur in OS.No.221/2017 showing that the plaintiffs and the 1, 3 and 4th defendants are the legal heirs of Mr.Manickam who died. Hence the above said partition suit filed before the Learned District Munsif Court, Melur without

impleading all the legal heirs of the deceased Mr.Manickam namely Mrs.Neelavathi who is the 1st plaintiff herein and Mrs.Chellathammal who is the 2nd plaintiff herein will not bind the plaintiffs. The above suit was compromised before lok adalat and the award was passed on 09.03.2019 will not bind the plaintiffs herein who are not at all the parties in OS.No.221/2017 before the learned District Munsif Court, Melur. The above decree without impleading all the legal heirs of Mr.Manickkam will be a nullity.

Hence this issue has been answered infavour of the plaintiffs.

(2). ISSUE Nos :- 2 and 4

Whether the suit property settled in favour of the 2nd defendant by the 1st defendant dated 29.07.2022 is null and void ?

and

Whether the settlement deed executed by the 4th defendant in favour of his wife 5th defendant herein is null and void ?

2.1 The suit has been filed for partition of 1/2 shares by the plaintiffs who are the half sisters of 1, 3 and 4 defendants herein and for declaration of settlement deed executed by the 1st defendant infavour of his wife Mrs.Kavitha who is the 2nd defendant herein on 29.07.2022 as

Document No.6355/2022 and the declaration of settlement deed executed by the 4th defendant infavour of his wife Mrs.Gayathri on 29.07.2022 as Document No.6356/2022 as null and void, since they are the joint family property of the plaintiffs and the 1, 3 and 4 defendants. The 1st and 2nd plaintiffs are the daughters of Mr.Manickam through his 1st wife Mrs.Mookammal and the 1, 3 and 4 defendants are the children of Mr.Manickam through his 2nd wife Mrs.Andammal. The 1st, 4th defendants and their mother Mrs.Andammal has entered into a compromise in OS.No.221/2017 without impleading the daughters of Mr.Manickam through his 1st wife Mrs.Mookammal who are the plaintiffs herein and partitioned the suit properties among themselves. The above said suit without impleading all the legal heirs of the deceased Mr.Manickam is not valid and will not bind the plaintiffs herein.

2.2 Hence the plaintiffs have filed the suit for partition and separte possession of 1/2 shares in the suit properties. It has been argued by the defendants' counsel that the plaintiffs who were served with the prior notice to the suit did not turned up and so the above decree and judgment passed in OS.No.221/2017 before the learned

District Munsif Court, Melur will bind the plaintiffs. In fact, the plaintiffs have not been impleaded as one of the parties to the suit and so the lok adalat award without impleading the plaintiffs will not bind them. Hence the decree and the judgment passed in OS.No.221/2017 is a nullity.

2.3 The present suit has been filed without impleading Mrs.Andammal as one of the parties was raised by the learned counsel for the defendants. The said Mrs.Andammal has not been arrayed as a party to this suit. In fact, the said Mrs.Andammal was living with Mr.Manickam even during the lifetime of the 1st wife Mrs.Mookammal who is the mother of the plaintiffs. As per Hindu Succession Act 1956, the wife of the deceased will take one share and if there are morethan one wives all the wives will take one share as per Section 10 of Hindu Succession Act 1956. The said Mrs.Andammal whether she is the legally married wife of said Mr.Manickam has not been proved by the defendants herein. Since she was living with Mr.Manickam even during the lifetime of Mrs.Mookammal who is the wife of Mr.Manickam and the mother of the plaintiffs herein. The alleged Mrs.Andammal if she has been the legally wedded wife might be included in the document

marked as legal heir certificate of the deceased Mr.Manickam which has been filed as Ex.B6 legal heirship certificate. The above said Ex.B6 was marked even by the defendants in OS.No.221/2017 suit before learned District Munsif Court, Melur for partition. In fact, the above said legal heirship certificate did not include the name of Mrs.Andammal as wife of the deceased Mr.Manickam. Hence the defendants failed to prove that Mrs.Andammal is the legally wedded wife of Mr.Manickam. Hence she is not the necessary party to the suit. Hence this suit is not bad for non joinder of necessary parties.

2.4 Coming to the discussion, the settlement deeds marked as Ex.A1 dated 29.07.2022 executed by the 1st defendant through the 4th defendant as a power agent executed the settlement deed infavour of his wife Mrs.Kavitha with respect to the suit properties in S.No.466/4B 18 cents on southern side. Ex.A2 is the settlement deed dated 29.07.2022 executed by the 4th defendant infavour of his wife who is the 5th defendant Mrs.Gayathri with respect to S.No.466/4B 18 cents on the northern side. Ex.A13 is alleged to be a family arrangement dated 10.07.2024 executed between the parties to the suit. Ex.A13 is said to be a release deed executed by the plaintiffs herein their 1/2 shares in the suit

properties. The above said Ex.A13 is an unregistered family arrangement allegedly executed by the plaintiffs relinquishing their rights over the suit properties. The unregistered release deed the so called "family arrangement" relinquishing their right is not binding under law. In fact, law of registration envisages that if a right has been transferred or relinquished if the value of the immovable property is more than Rs.100/-, then it should be mandatorily registered. The present Ex.A13 document relinquishing the rights of the plaintiffs is an unregistered deed is not valid in the eye of law. Hence it will not bind the plaintiffs right over partition.

2.5 The 1st plaintiff deposed as PW1 and stated that she is an unmarried lady and there is no such alternative name as Alagammal. She deposed that Mrs.Andammal is the 2nd wife of his father and her mother Mrs.Mookammal is the 1st wife of Mr.Manickam. PW1 deposed that initially they all lived together under the same roof and separated after the demise of her father. PW1 denied that she was raised by Mrs.Andammal. PW1 admitted that two properties in Thiruvathavur, Veppakudi Village is under her possession and enjoyment but denied that 51 cents was gifted by her father. PW1 denied that she waived her

right on 11.04.2003 in the panchayat with respect to the other properties. PW1 stated that she had not signed any document in the panchayat. PW1 stated that S.No.415/5 9 cents and S.No.420/5 36 cents were given by her father to the 2nd plaintiff as sridhana at the time of her marriage. PW1 stated that she was not given with any property or any funds in lieu of that property. PW1 denied that she had not sold any properties given by her father. PW1 stated that she were not aware of the judgment and decree made in OS.No.221/2017 she knows about the case 10 years before. PW1 stated that she was not given with any money for her medical treatment by the 1st defendant and she was looked after by her aunt Asothai.

2.6 On the defendants side, Ex.B1 is the partition agreement entered between Mr.Murugesan 4th defendant herein, Mr.Muthuchamy 1st defendant and Mrs.Chellathammal who is the 2nd plaintiff herein was marked. The above said agreement was not signed by the 1st plaintiff. The above document was made on 11.04.2003 and it is an unregistered document. Ex.B2 is the familycard of Mrs.Andammal containing the name of the 1st plaintiff Neelavathi, along with the 4th defendant. Ex.B3 is the familycard of the Mr.Manickam and Mrs.Andammal containing

the name of the 1st plaintiff. Ex.B4 is the voter list which did not contain the name of the plaintiff. Ex.B5 is the sale deed dated 26.02.2009 executed by the 2nd plaintiff Mrs.Chellathammal infavour of one Mr.Thambiyanpitchai with respect to S.No.415/5 in Thiruvathavur Village extending 9 cents. In that document, it has been mentioned that at the time of her marriage the property was given to her as sridhana. Ex.B6 is the legal heirship certificate of Mr.Manickam which includes the name of the plaintiffs and the 1, 3 and 4 defendants without the name of Mrs.Andammal. Ex.B7 is the suit register extract of OS.No.221/2017 before the learned District Munsif Court, Melur mentioning the suit settled at lok adalat. Ex.B8 is the revenue records namely with patta No.116 standing in the name of Mr.Manickam, joint patta No.1375 standing in the name of Mr.Manickam and others and adangal extracts standing in the name of the 4th defendant Mr.Murugesan and the 1st defendant Mr.Muthuchamy. Ex.B9 is the white meter electricity card in the name of the 4th defendant. Ex.B10 is the gift settlement deed executed by the 1st defendant infavour of his wife Mrs.Kavitha who is the 2nd defendant herein with S.No.466/4B southern 18 cents. Ex.B11 is the settlement deed dated 29.07.2022

executed by the 4th defendant infavour of the 5th defendant with respect to the northern S.No.466/4B 18 cents. Ex.B12 is the legal notice given by the plaintiffs dated 06.04.2024 to the defendants herein. Ex.B13 are the kist receipts in the name of the 4th defendant. Ex.B14 are the kist receipts in the name of the 1st defendant. Ex.B15 is the notice given by the defendants 1 and 4 to the plaintiffs and the 3rd defendant with respect to the partition. Ex.B16 are the house tax receipts in the name of the 4th defendant. Ex.B17 are the house tax receipts in the name of the 5th defendant. Ex.B18 are the kist receipts in the name of the 2nd defendant. Ex.B19 is the Aadharcard of DW2 Mr.Perumal Alagan.

2.7 DW1 Mr.Muthuchamy who is the 1st defendant herein admitted that the suit properties is the ancestral property through his father Mr.Manickam and the 1st wife of Mr.Manickam is Mrs.Mookammal. DW1 admitted that during the lifetime of Mrs.Mookammal, she went away with another person and her mother Mrs.Andammal was married as 2nd wife of Mr.Manickam. DW1 also admitted that the plaintiffs are daughters of Mr.Manickam through his 1st wife. DW1 denied that the properties in Veppankudi S.No.420/5 36 cents and S.No.419/9 15 cents in total 51 cents were gifted by Mr.Manickam which were

inherited through his 1st wife Mrs.Mookammal. DW1 also admitted that after 1966, the plaintiffs resided as a joint family along with his parents. DW1 admitted that his father died on 17.08.1999 at T.Ulagupitchanpatti. DW1 stated that Neelavathi was residing with him in his address and so the legal notice was sent to his own address dated 21.04.2017. DW1 also admitted that the property with respect to S.No.499/4 in T.Ulagupitchanpatti standing in the name of the 4th defendant was not included in the OS.No.221/2017 and there was a dispute over the property between him and his brother. There was a dispute between the 1st defendant and the 4th defendant with respect to the partition of properties and no notice was given to the plaintiffs. DW1 admitted that the 1st plaintiff as the right to file the partition suit but the 2nd plaintiff has released her right and so she is not entitled to file the suit.

2.8 DW2 in his cross examination stated that he did not know about the family partition between them. DW2 stated that at the time of 2nd plaintiff marriage 51 cents were given to 2nd plaintiff as sridhana. DW2 stated that the property namely 51 cents was that of Mr.Manickam for which he did not witnessed any document. DW2 stated that he was not aware about the partition suit between the brothers.

2.9 From the above evidences on record, it is found that the 2nd plaintiff was given with 51 cents at the time of marriage as sridhana was admitted by PW1. Even she was allegedly executed Ex.B1 dated 11.04.2003 with respect to the properties in S.No.420/5 in Veppakudi Village was given to her and the 1st plaintiff Neelavathi was under control of her father Mr.Manickam and so she allegedly released her right with the suit properties. The above said Ex.B1 document as well as Ex.A13 document both are unregistered release deeds and they have no evidentiary value. As already discussed waiver of her right over the immovable property must be compulsorily registered. Hence Ex.B1 and Ex.A13 have no evidentiary value.

2.10 With respect to the suit properties are concerned, the defendants admitted that they are the properties of Mr.Manickam who is his father. Ex.B6 shows that the plaintiffs are the legal heirs of the deceased Mr.Manickam. Hence with respect to the suit properties are concerned, Ex.B6 itself shows that they are the legal heirs of Mr.Manickam and even the 1st defendant has admitted that no property was given to the 1st plaintiff herein. Hence it is clear piece of admission on the part of the 1st defendant to show that the suit properties have not

been given to the 1st plaintiff. With respect to the sridhana properties in S.No.420/5 51 cents are concerned, the 2nd plaintiff alone executed the sale deed infavour of Mr.Thambiyan Pitchai with respect to 9 cents in R.S.No.415/5 inherited by her through sridhana. Hence the 2nd plaintiff was given with some properties at the time of her marriage is proved. Whereas, the 1st plaintiff is concerned, she is unmarried lady living with her father and not even succeeded with any properties. Hence with respect to the 1st plaintiff is concerned, the 1st plaintiff has got the right to challenge the settlement deeds marked as Ex.A1 and A2 executed by the 1st defendant infavour of his wife Mrs.Kavitha who is the 2nd defendant herein and the 4th defendant infavour of his wife who is the 5th defendant herein. Hence the decree and judgment without impleading the daughters of the deceased Mr.Manickam in OS.No.221/2017 is null and void and not binding upon the plaintiffs herein. Hence the settlement deeds dated 29.07.2022 marked as Ex.A1 and A2 without impleading the necessary parties namely the daughters of Mr.Manickam becomes null and void.

Hence these issues have been answered infavour of the plaintiffs.

(3). ISSUE Nos :- 3 and 5

Whether the plaintiff are entitled to the relief of partition and separte possession of $\frac{1}{2}$ share in the suit properties ?

and

To what other reliefs plaintiffs are entitled to ?

3.1 From the above records, it is found that the suit properties are the properties of the deceased Mr.Manickam who has got five children namely the plaintiffs herein Miss.Neelavathi, Mrs.Chellathammal through the 1st wife Mrs.Mookammal and the 1st defendant Mr.Muthuchamy, the 3rd defendant Mrs.Chellamani and the 4th defendant Mr.Murugesan through one Mrs.Andammal. It has been stated on the defendants side that Mrs.Andammal is the 2nd wife of Mr.Manickam and she has not been impleaded as party to this suit. Whereas the legal heirship certificate of the deceased Mr.Manickam marked as Ex.B6 shows that the plaintiffs and the 1, 3 and 4th defendants alone are the legal heirs of the deceased Mr.Manickam. In fact, Mrs.Andammal who is stated to be the 2nd wife of Mr.Manickam is not mentioned as the legal heir since Mr.Manickam has got

Mrs.Mookammal who is the mother of the plaintiffs as the legally wedded wife. Hence Mrs.Andammal who is alleged to be the 2nd wife of Mr.Manickam after Mrs.Mookammal has not been proved as legally wedded wife of Mr.Manickam. Hence this suit is not barred by non joinder of necessary parties.

3.2 Secondly, the release deed termed as “family arrangement” marked as Ex.A13 as well as the unregistered release deed executed by the 2nd plaintiff Mrs.Chellathammal marked as Ex.B1 are not legally valid documents. The 1st plaintiff Miss.Neelavathi deposed as PW1 admitted that at the time of marriage of Mrs.Chellathammal, she was gifted with some properties in S.No.420/5 and S.No.415/5 Veppakudi and T.Ulagupitchanpatti Villages as sridhana property and moreover she sold some of the properties in S.No.415/5 9 cents marked as Ex.B5 sale deed to one Mr.Thambiyan Pitchan on 26.02.2009. Hence it is proved that the 2nd plaintiff Mrs.Chellathammal was gifted with some properties at the time of her marriage by the father Mr.Manickam. In fact, the 1st defendant who deposed as DW1 himself admitted that they have not offered any property to the 1st plaintiff Mrs.Neelavathi since she was residing along with them without any marriage. Moreover, the

previous suit in OS.No.221/2017 before the learned District Munsif Court, Melur without impleading all the legal heirs of the deceased Mr.Manickam and obtained a lok adalat award is proved to be null and void. It will not bind the plaintiffs herein. Hence the plaintiffs who have filed the suit for partition of 1/2 shares in the suit property proved that the 1st plaintiff is entitled to 1/4th shares in the suit properties. The 2nd plaintiff who has already got the properties from her father at the time of marriage as sridhana was admitted by the 1st plaintiff in her cross examination and so 2nd plaintiff is not entitled to any share. Hence the 2nd plaintiff is not entitled to any share in the suit properties. With respect to the settlement deeds dated 29.07.2022 executed by the 1st defendant infavour of the 2nd defendant and the 4th defendant infavour of the 5th defendant marked as Ex.A1 and A2 with respect to the S.No.466/4B extending 36 cents on the norther and the southern side in T.Ulagupitchanpatti Village proved to be null and void. Since they have been the ancestral properties of Mr.Manickam and all the legal heirs are having the rights over it. Hence the above issues have been answered accordingly.

7. Result :-

In the result, this suit is partly decreed declaring that the 1st plaintiff is entitled to 1/4th share of the suit properties and with respect to the 2nd plaintiff the suit for partition is hereby dismissed. It is also decreed that the settlement deeds dated 29.07.2022 executed by the 1st defendant infavour of the 2nd defendant registered as Document No.6355/2022 and settlement deed executed by the 4th defendant infavour of the 5th defendant registered as Document No.6356/2022 marked as Ex.A1 and A2 is declared to be null and void. No costs.

Directly dictated to the Steno-typist, and typed by her, corrected and pronounced by me, this the 29th day of June 2026.

Sub Judge,

Melur.

List of Witness examined on the side of the Plaintiffs :-

P.W.1. - Mrs.Neelavathi (1st plaintiff)

List of documents marked on the side of the Plaintiffs :-

Ex.A1	29.07.2022	The 1 st defendant through the 4 th defendant as a power agent executed the settlement deed No.6355/2022	Certified Copy
Ex.A2	29.07.2022	The settlement deed dated 29.07.2022 executed by the 4 th defendant infavour of his wife who is the 5 th defendant deed No.6356/2022	Certified Copy
Ex.A3	16.10.2023	Complaint petition submitted by the plaintiffs to the District Collector.	Xerox copy
Ex.A4	19.10.2023	Revenue Divisional Officer's Memorandum	Xerox Copy
Ex.A5	06.04.2024	Plaintiffs side legal notice	Original
Ex.A6	08.04.2024	Acknowledgment Card of the 1 st defendant	Original
Ex.A7	08.04.2024	Acknowledgment Card of the 2 nd defendant	Original
Ex.A8	08.04.2024	Acknowledgment Card of the 3 rd defendant	Original
Ex.A9	08.04.2024	Acknowledgment Card of the 4 th defendant	Original
Ex.A10	08.04.2024	Acknowledgment Card of the 5 th defendant	Original

Ex.A11	18.04.2024	Reply Notice	Office copy
Ex.A12	22.04.2024	Guideline Value	Xerox Copy
Ex.A13	10.07.2024	Family Arrangement	Original

List of witness on the defendants side :-

D.W.1. - Mr.Muthuchamy (1st defendant)

D.W.2. - Mr.Perumal

List of documents marked on the side of the Defendants :-

Ex.B1	11.04.2003	Partition agreement entered between Mr.Murugesan 4 th defendant	Certified Copy
Ex.B2	-	Famlycard of Mrs.Andammal	Original
Ex.B3	1998 - 2003	Famlycard of the Mr.Manickam and Mrs.Andammal	Xerox Copy
Ex.B4	-	Voter list (Nos.2)	Original
Ex.B5	26.02.2009	Sale deed	Certified Copy
Ex.B6	-	Legal heir Certificate of Mr.Manickam	Certified Copy
Ex.B7	-	Suit register extract of OS.No.221/2017 before the learned	Certified Copy

		District Munsif Court, Melur with the lok adalat award.	
Ex.B8	-	Revenue records namely with patta No.116	Certified Copy
Ex.B9	-	Meter electricity card in the name of the 4 th defendant in EB.No.05-116-001-2235	Original
Ex.B10	29.07.2022	Gift settlement deed executed by the 1 st defendant infavour of his wife Mrs.Kavitha	Certified copy
Ex.B11	29.07.2022	Settlement Deed	Computer Download Copy
Ex.B12	06.04.2024	Legal notice given by the plaintiffs	Office Copy
Ex.B13	-	Kist receipts(Nos.17)	Original
Ex.B14	-	House tax receipts(Nos.12)	Original
Ex.B15	-	Notice given by the defendants 1 and 4 to the plaintiffs and the 3 rd defendant with respect to the partition	Certified Copy
Ex.B16	-	House tax receipts(Nos.11)	Original
Ex.B17	-	Property tax and kist receipts	Original

Ex.B18	-	Kist receipts in the name of Mrs.Kavitha	Original
Ex.B19	-	Aadharcard of the DW2	Compared with original

Sub Judge,
Melur.

**Draft/Fair
Judgment
in
O.S.No.210/2024
Date: 29.06.2026
Sub Court, Melur**