

IN THE COURT OF THE DISTRICT MUNSIF, SENDAMANGALAM

**PRESENT: Selvi. E.RIDHULA, B.A., LL.B.,
DISTRICT MUNSIF,
SENDAMANGALAM.**

Monday, 20th day of April 2026

O.S. No.65/2020

(CNR: TNNM13-000129-2020)

(On the file of the Principal District Munsif, Namakkal in O.S.No.307/2013)

1. Ponnusamy Gounder (Died)*
2. Rajan Plaintiffs

-vs-

1. Selvam
2. Rani
3. Rajammal *
4. Saradha * Defendants

* (Amended as per order in IA.No.2/2019, dt.18.10.2019)

This suit came before me on 06.04.2026 for final hearing in the presence of Advocate Tr.K.Nandhakumar, Learned Counsel for the Plaintiffs and Advocate Tr.R.Balakrishnan, Learned Counsel for the 1, 2 defendants and the 3, 4 defendants was called absent and was set exparte on 18.12.2019, and upon hearing the both side arguments, after perusing the case records and having stood over for consideration till this date, this court passed the following:-

JUDGMENT

The plaintiffs have filed this suit seeking the relief of permanent injunction restraining the defendants from causing obstruction or interference by digging trenches, or laying foundations, or by any other means, at any time with the

plaintiffs' peaceful possession and enjoyment of the suit properties, and also, to award costs of the suit.

2. GIST OF THE AMENDED PLAINT: -

The plaintiffs submitted that, the 2nd plaintiff is the son of the 1st plaintiff. The 1st item of the suit property was purchased by the 1st plaintiff on 09.12.1975, and he has constructed a house in it, and has been in possession and enjoyment of the suit property till date. The 2nd item of the suit property is a vacant land and the 2nd plaintiff has purchased the same on 12.09.1978 from one Chinnapayal and others, and he has been in possession and enjoyment of the same. Further, the 2nd item of the suit property is situated behind the house in the 1st item of the suit property. The Patta issued by the Government of Tamil Nadu for the suit properties contains error. Hence, the plaintiffs are taking steps to obtain a Patta for the correct extent. The defendants are the adjacent plot owners of the suit properties. Since, the suit properties are situated near the defendants' property, the defendants requested the plaintiffs to sell the suit properties to them at a low price. When the plaintiffs refused the same, the defendants, on 08.07.2013, came with labors to dig a foundation in the suit properties, but the plaintiffs with the help of nearby persons, prevented their actions. However, the defendants left the suit property by asserting that they would, at some point, dig the foundation in the suit property and construct a compound wall. The defendants are influential persons with manpower and financial strength and are capable of doing anything. Therefore, the plaintiffs have no option except to

approach the Court. During the pendency of the suit, the 1st plaintiff died on 07.11.2018. As his son was already on record as the 2nd plaintiff, his other legal heirs, namely his daughters, were impleaded as 3 and 4 defendants pursuant to the order passed in I.A.No.2/2019. Hence, the plaintiffs have filed this suit for permanent injunction against defendants.

3. GIST OF THE WRITTEN STATEMENT FILED BY THE 1ST DEFENDANT AND SAME IS ADOPTED BY THE 2ND DEFENDANT: -

The defendants have filed their written statement denying the allegations stated in the plaint. It is submitted that, although the plaintiffs have mentioned that the defendants are the adjacent landowners, they have failed to clearly specify in which direction the defendants' property is situated. From this, it is evident that the plaintiffs have suppressed the true facts. In fact, the defendants' property lies to the south of the suit property. The plaintiffs have deliberately concealed this fact in the property description and have instead stated in both items of the suit property that the house of Ramasamy Pandaram lies south of the suit property which shows their dishonest intention. The house of Ramasamy Pandaram belongs to the defendants. The plaintiffs' claim that the Patta issued in their name by the Government is erroneous is also not acceptable. The plaintiffs' property is situated in Sendamangalam Village in Natham Survey Nos.290/2 and 290/3. The actual extent of these lands is larger than what has been mentioned in the plaint schedule, and suppressing this fact, the plaintiffs have filed this suit. The defendants' property is situated in Natham Survey Nos.290/11 and 290/10. Further, Survey No. 290/2 is a

pathway and the plaintiffs have encroached upon this pathway and have even constructed a house on a portion of it. The allegations made by the plaintiffs that the defendants attempted to interfere with or encroach upon their property are false. In reality, the plaintiffs have filed this suit with the intention of interfering with the defendants' peaceful enjoyment of their property. When the defendants made arrangements to construct a building in their property, the plaintiffs, with a malicious intention to prevent the same, have filed this suit. Moreover, if the south-north measurements of both items are considered, they are mentioned as 41 and 42 feet in the property description. To the south of Survey Nos.290/2 and 290/3 lie Survey Nos.290/10 and 290/11. The actual south-north measurements of Survey Nos.290/2 and 290/3 exceed 42 feet. The suit has no valid cause of action. Therefore, the suit is liable to be dismissed.

4. ISSUES:

Upon perusal of the pleadings, this court has framed the following issues on 30.04.2014: -

- 1) Whether the plaintiffs are entitled to get relief of permanent injunction or not?
- 2) To what other reliefs?

5. EVIDENCE ON BOTH THE SIDES:

5.1) On the side of the plaintiffs, the 2nd plaintiff was examined as PW1 and Exhibits A.1 to A.18 and Exhibits C.1 to C.6 was marked through PW1. One Tr.Madheswaran was examined as PW2 and no exhibits was marked through him. Further, the Tahsildar, Sendamangalam was examined as Pw3 and Exhibits X.1 to

X.6 was marked through him. On the side of the 1 and 2 defendants, no oral or documentary evidence was adduced before this court.

6. ARGUMENTS ON BOTH THE SIDES:-

6.1) The learned counsel for the plaintiffs filed a written argument and contended that, the plaintiff was examined as PW1 and he had deposed about the title documents of the suit property and the same are marked as Ex.A.1 and Ex.A.2. The boundaries mentioned in the title deeds and in the plaint schedule of property are same. The suit has been filed seeking a permanent injunction to restrain the defendants from interfering with the plaintiffs' possession of the suit property. The defendants contended that the Patta issued in the plaintiff's name is valid and the plaintiffs has no right to deny the same. However, it was argued that, as per law, in the event of any inconsistency between a Patta and title deeds, the extent specified in the title deeds prevails. Similarly, in cases of discrepancy between boundaries, survey numbers, or extent, the boundaries will prevail. In support of this stand, he relied on citation {CDJ 2006 SC 532}. Also, the commissioner's report and scale plan clearly shows that the suit property belongs to the plaintiffs in accordance with the extent mentioned in Ex.A.1 and Ex.A.2. Since the defendants have failed to produce any oral or documentary evidence, they are not entitled to challenge the plaintiffs' title. Therefore, it was prayed that the suit be decreed with costs.

6.2) The learned counsel for defendants 1 and 2 argued that the plaintiffs failed to specify the survey numbers of the suit property and also, the direction in which the 1, 2 defendants land lie to the suit property. Further, it was argued that the

suit property is a Natham property situated in Survey Nos.290/2 and 290/3, while the lands of defendants 1 and 2 lie to the south in Survey Nos.290/10 and 290/11. It was further contended that, the 1, 2 defendants have not caused any interference or disturbance to the plaintiff's possession in the suit property. The 1, 2 defendants have laid foundation only in their own property. Further, 1 and 2 defendants have now constructed a house only in their land, and the same has been admitted by PW1 during cross-examination. Therefore, it was argued that the suit is liable to be dismissed with costs.

7. DISCUSSION AND DECISION:-

ISSUE No.1:-

Whether the plaintiffs are entitled to get relief of permanent injunction or not?

7.1) The suit property comprises two items, the 1st item being a house bearing Door No.4/A2 (Old Door No.84A) and the 2nd item being a vacant plot, both situated in Sendamangalam Taluk, Namakkal District. The case of the plaintiffs is that, the 1st and 2nd plaintiffs have purchased the suit properties under Ex.A.1 and Ex.A.2 respectively. It is further contended that the Patta stands in the name of the plaintiffs with certain discrepancies in extent, and steps are being taken to correct the same. According to the plaintiffs, 1 and 2 defendants, being adjacent landowners, attempted to interfere with their possession by digging and laying foundation in the suit property on 08.07.2013. Thereby, the plaintiffs have filed the present suit seeking the relief of permanent injunction against the defendants.

7.2) Per contra, 1 and 2 defendants contended that the plaintiffs have not mentioned the survey numbers of the suit properties and that the actual extent is larger than what is shown in the plaint schedule, thereby alleging suppression of material facts. It is their further case that the suit properties fall in Natham S.Nos.290/2 and 290/3, while their lands are situated in S.Nos.290/10 and 290/11. They contended that it is the plaintiffs who attempted to obstruct their construction activities, and also, have encroached the pathway in S.No.290/2. Further, the 1 and 2 defendants have now constructed house in their own land and thus, the suit is not maintainable and there is no cause of action.

7.3) The plaintiffs are having initial burden to prove the fact of their possession and disturbance caused by the defendants on the date of cause of action under section 101 of Indian Evidence Act, 1872. To discharge the same, the 2nd plaintiff was examined as PW1 and deposed in consonance with the plaint averments and Ex.A.1 to Ex.A.18, and Ex.C.1 to C.6 was marked. On perusal of Ex.A.1, it shows that One Muthayammal has executed a sale deed in favour of the 1st plaintiff with respect to the 1st item of the suit property on 09.12.1975. The Ex.A.2 shows that, One Chinnapayal and 4 others have executed a sale deed in favour of the 2nd plaintiff with respect to the 2nd item of the suit property on 12.09.1978. Thus, it is evident that the plaintiffs have purchased the suit properties through Ex.A.1 and Ex.A.2. Further, the Ex.A.3 to A.16 are the electricity bills paid by the 1st plaintiff for the house situated in the 1st of the suit property from the year 1997 to 2012. Then, the Ex.A.17 and Ex.A.18 are the Property tax receipts paid by the 1st plaintiff for the

period 2008 – 2009, and 2010 – 2011, which establish continuous enjoyment and possession of the suit property by the plaintiffs. Thus, from the perusal of the above exhibits this court finds that the plaintiffs are in possession of the suit properties.

7.4) With regard to identification of the suit properties, though survey numbers have not been specifically mentioned in the plaint schedule, the boundaries are clearly described, which is sufficient for identification. It is a settled principle that where there is a discrepancy between extent/survey number and boundaries, boundaries shall prevail. Therefore, the omission to mention survey numbers is not fatal to the plaintiffs' case. Further, the Advocate Commissioner, who inspected the suit properties, has filed his report and plan marked as Exs.C1 to C6, which also clearly identify the suit properties based on the plaintiffs' title deeds.

7.5) The defendants have stated in their written statement that the suit properties fall in Survey Nos.290/2 and 290/3, and that their properties lie in Survey Nos.290/10 and 290/11. The Commissioner's report and plan also support the said identification. Further, the Tahsildar, Sendamangalam was examined as PW3 and Exs.X1 to X6 were marked. Ex.X1 and Ex.X2 (Chitta and Adangal) show that Survey No.290/2 stands in the name of the 1st plaintiff and another, and is classified as house site. Exs.X3 and X4 show that Survey Nos.290/10 and 290/11 stand in the names of 1 and 2 defendants. The FMB sketch further confirms that the defendants' property lies to the south of the suit property. Thus, the revenue records corroborate the rival claims and establish the possession of the parties over the said properties.

7.6) The 1 and 2 Defendants have disputed only the Patta standing in the names of the plaintiffs and have not specifically denied the title deeds. Further, 1 and 2 defendants have not stepped into the witness box to substantiate the averments made in their written statement or to subject themselves to cross-examination. In such circumstances, the allegations made in the written statement remain mere pleadings without evidentiary support and have not been proved by the 1 and 2 defendants. On the other hand, the PW2, an independent witness, has also clearly deposed in support of the plaintiffs' possession and enjoyment of the suit properties. Thus, the evidence of PW2 corroborates the testimony of PW1 and strengthens the plaintiffs' case. Hence, the plaintiffs have adduced both oral and documentary evidence to establish their possession over the suit properties.

7.7) Secondly, it is pertinent to determine whether 1 and 2 defendants caused any disturbance to the plaintiffs' possession by allegedly attempting to dig and lay a foundation in the suit property on 08.07.2013, as pleaded by the plaintiffs. In order to substantiate the alleged interference, the plaintiffs examined an independent witness as PW2. On perusal of his deposition, PW2 appears to be a neighbour of both parties and claims to have direct knowledge of the incident that occurred on 08.07.2013. Though PW2 was cross-examined by 1 and 2 defendants, no material contradictions were elicited. Likewise, PW1 was also subjected to cross-examination by 1 and 2 defendants, but no material contradictions or inconsistencies were elicited. Therefore, from the oral evidence of PW1 and PW2, this Court is of the view that the plaintiffs have established that 1 and 2 defendants interfered with

the plaintiffs' peaceful possession and enjoyment of the suit property on the said date. Further, the defendants contended that PW1 and PW2 have admitted that defendants 1 and 2 have subsequently laid a foundation and constructed a house in their own property, and therefore, the suit is no longer maintainable. Even assuming that PW1 and PW2 have so admitted in their cross-examination, the relevant consideration is the cause of action as on the date of alleged interference. Since the plaintiffs have established that there was interference with their possession on the date of cause of action, the subsequent construction put up by defendants 1 and 2 will not render the suit non-maintainable. Accordingly, the suit is maintainable.

7.8) During the pendency of the suit, the 1st plaintiff died, and his legal heirs, other than the 2nd plaintiff, were impleaded as 3 and 4 defendants. In the absence of any specific pleadings or allegations against 3 and 4 defendants, no cause of action is made out against them. Accordingly, the relief of permanent injunction is not maintainable as against 3 and 4 defendants. Further, as discussed above, the Plaintiff's title over the suit property was not challenged by the 1 and 2 Defendants and the plaintiff's title over the suit property has been proved by the Plaintiff through Exhibits A.1 and A.2. In view of the above discussions, this Court holds that the plaintiffs have proved their possession over the suit properties and have established interference by 1 and 2 defendants through sufficient oral and documentary evidence. Therefore, the plaintiffs are entitled to the relief of permanent injunction as against 1 and 2 defendants alone. **Thus, the Issue No.1 is answered accordingly.**

ISSUE No.2:-

To what other reliefs?

7.9) Having regard to the above findings to the preceding issue and considering the facts and circumstances of the case, the court opine that the parties are not entitled for any other reliefs. **Thus, Issue No.2 is answered accordingly.**

8. RESULT: -

In the result, the relief is MOULDED and the suit is DECREED as follows:

a) **A permanent injunction is granted restraining the 1 and 2 defendants from causing obstruction or interference by digging trenches, or laying foundations, or by any other means, at any time with the plaintiffs' peaceful possession and enjoyment of the suit properties, and**

b) The parties shall bear their own costs.

Dictated by me to the Steno-typist, and typed by her, corrected and pronounced by me in Open Court, on this the 20th day of April 2026.

District Munsif,
Sendamangalam.

PLAINTIFFS SIDE WITNESSES:-

1. PW1 – Rajan (2nd plaintiff)
2. PW2 – Madheswaran
3. Pw3 – Tahsildar, Sendamangalam

PLAINTIFFS SIDE DOCUMENTS:-

Ex.A.1	09.12.1975	The sale deed in favour of the 1 st plaintiff	Certified Copy
Ex.A.2	12.09.1978	The sale deed in favour of the 2 nd plaintiff	Certified Copy
Ex.A.3	07.08.1997	The Electricity Bill	Original
Ex.A.4	14.12.1998	The Electricity Bill	Original
Ex.A.5	12.04.1999	The Electricity Bill	Original
Ex.A.6	08.02.2000	The Electricity Bill	Original
Ex.A.7	05.12.2001	The Electricity Bill	Original
Ex.A.8	08.10.2002	The Electricity Bill	Original
Ex.A.9	08.04.2003	The Electricity Bill	Original
Ex.A.10	07.10.2005	The Electricity Bill	Original
Ex.A.11	12.04.2006	The Electricity Bill	Original
Ex.A.12	06.12.2007	The Electricity Bill	Original
Ex.A.13	08.04.2010	The Electricity Bill	Original
Ex.A.14	23.07.2011	The Electricity Bill	Original
Ex.A.15	01.06.2012	The Electricity Bill	Original
Ex.A.16	03.12.2012	The Electricity Bill	Original
Ex.A.17	27.02.2009	The Property Tax receipt	Original
Ex.A.18	31.12.2010	The Property Tax receipt	Original
Ex.C.1		The Commissioner's report	Original
Ex.C.2		The Commissioner's plan	Original
Ex.C.3	22.08.2015	The Commissioner's report in IA.No.834/2013	Original
Ex.C.4	22.08.2015	The Commissioner's scale plan in IA.No.834/2013	Original
Ex.C.5	18.03.2017	The Commissioner's report in IA.No.239/2016	Original
Ex.C.6	18.03.2017	The Commissioner's scale plan in IA.No.239/2016	Original

3rd PARTY WITNESS DOCUMENTS:-

Ex.X.1	The Natham Chitta for S.No.290/2	Certified copy
Ex.X.2	The Natham A-Register for the S.No.290/2	Certified copy
Ex.X.3	The Natham Chitta for the S.No.290/11	Certified copy
Ex.X.4	The Natham A-Register for the S.No.290/11	Certified copy
Ex.X.5	The Natham FMB for the S.No.290	Certified copy
Ex.X.6	The Permission letter given by the Tahsildar to the Zonal Deputy Tahsildar, Sendamangalam	Original

DEFENDANTS SIDE WITNESSES AND DOCUMENTS:-

Nil.

District Munsif,
Sendamangalam.

Fair/ Draft Judgment
O.S.No.65/2020,
Dated: 20.04.2026.