



**IN THE COURT OF THE DISTRICT MUNSIF OF UDHAGAMANDALAM,
THE NILGIRIS**

Present: **Thiru. L. PRAKASH, B.Sc., B.L.,**
DISTRICT MUNSIF, UDHAGAMANDALAM.

Wednesday, the 12th day of August 2026

O.S. No. 62 of 2024
(C.N.R. No. TNNS030 - 00100 - 2024)

K. Kumar

... Plaintiff

/Vs/

M. Mahesh

... Defendant

This suit came on 04.08.2026 for final hearing before me in the presence of Mr. T.K. Devarj, learned Counsel for the Plaintiff and of Mr. B. Radha Krishnan, learned Counsel appearing for the Defendant, upon hearing the both side arguments and upon having stood over till this day for consideration, and this court delivered the following:

JUDGMENT

1. This suit has been filed by the plaintiff seeking a decree of permanent injunction restraining the defendant, his men, agents and all persons claiming through or under him from trespassing into or in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property and for costs.

**Gist of Complaint:**

2. The case of the plaintiff, in brief, is that the suit schedule property measuring an extent of 0.02½ acres comprised in S.No.788/2 of Thummnatty-II Revenue Village originally belonged to his father Kari. According to the plaintiff, after the death of his father in the year 2005, an oral partition took place among the family members and in the said partition the suit property was allotted to the plaintiff. The plaintiff claims that thereafter he has been in exclusive possession and enjoyment of the suit property.

3. It is further pleaded that the defendant has no right, title or interest over the suit property, but during the first week of April 2022 and again on 10.05.2022, the defendant, along with his henchmen, attempted to trespass into the suit property and interfere with the plaintiff's possession. The plaintiff claims to have resisted the said attempts with the assistance of his relatives. Thereafter, the plaintiff issued a legal notice dated 17.05.2022 to the defendant, which was returned as "not claimed" on 25.05.2022.

4. It is further alleged that on 19.08.2024, the defendant again attempted to enter the suit property and take forcible possession. The plaintiff claims to have lodged a complaint before the Ootacamund Rural Police Station and that the police advised him to approach the Civil Court since the dispute was civil in nature. On these allegations, the plaintiff has filed the present suit seeking permanent injunction.

Gist of Written Statement:

5. The defendant denied the material averments contained in the complaint. The defendant specifically denied that the plaintiff's father was the absolute owner of the suit property and that the property devolved upon the plaintiff by virtue of any oral



partition. The alleged acts of interference during April 2022, on 10.05.2022 and on 19.08.2024 were also denied. The defendant contended that the plaintiff had not established either title or physical possession over the suit property. It was further contended that the Chitta Extract relied upon by the plaintiff would not establish title and that the plaintiff's name did not appear in the relevant revenue record. According to the defendant, there was no cause of action for the suit.

6. The defendant further stated that he is the owner and in possession of an extent of 0.07.60 acres in S.No.788/3A, subsequently subdivided as S.No.788/3A2 of Thummnatty Revenue Village, which according to him was acquired under a registered Deed of Conveyance dated 27.07.2023, registered as Document No.801/2023 before the Joint Sub-Registrar, Udhagamandalam. The defendant contended that the plaintiff had no right over his property and had filed the suit with an ulterior motive.

Issues framed:

7. On the basis of the pleadings of the parties, this Court framed the following issues for determination:

- 1. Whether the suit is maintainable without the plaintiff seeking the relief of declaration of title?*
- 2. Whether the plaintiff is in possession of the suit schedule property?*
- 3. Whether the plaintiff is entitled for permanent injunction as prayed for?*
- 4. To what other relief, the plaintiff is entitled for?*

**Plaintiff's side evidence:**

8. In order to substantiate his claim, the plaintiff examined himself as **PW-1**. Through his oral evidence, **Exs.A-1 to A-3** were marked on his side. Ex.A-1 is the Chitta Extract dated 12.08.2024, Ex.A-2 is the legal notice dated 17.05.2022 along with postal receipt and Ex.A-3 is the returned postal cover dated 25.05.2022. PW-1 was subjected to detailed cross-examination by the learned counsel appearing for the defendant. Plaintiff's side evidence was closed with Pw-1.

Defendant's side evidence:

9. In support of his defence, the defendant examined himself as **DW-1**. Through his oral evidence, **Exs.B-1 and B-2** were marked on the side of the defendant. Ex.B-1 is the Gift Settlement Deed dated 27.07.2023 and Ex.B-2 is the Chitta Extract dated 11.09.2024. DW-1 was thoroughly cross-examined by the learned counsel appearing for the plaintiff. The Evidence of the defendant's side closed with Dw-1. The learned counsel appeared on either side addressed elaborate arguments, and the matter was thereafter reserved for judgment.

Arguments on the Plaintiff's side:

10. The learned counsel appearing for the plaintiff submitted that the plaintiff is the person in possession and enjoyment of the suit schedule property and that the defendant has no right, title or interest over the same. It was contended that the plaintiff's possession is supported by the revenue record and that the defendant had attempted to interfere with such possession. The learned counsel further submitted that the defendant's own evidence would disclose that the defendant's property is situated in S.No.788/3A, whereas the suit property is situated in S.No.788/2. Therefore, according to the learned counsel, the defendant cannot claim any right over the suit property.



11. The learned counsel particularly relied upon the cross-examination of DW-1 concerning Ex.B-1. It was submitted that DW-1 admitted that Ex.B-1 relates to S.No.788/3A, whereas the suit property is in S.No.788/2 and that the four boundaries of the suit property do not tally with the boundaries in Ex.B-1. The learned counsel further relied upon the answer given by DW-1 that if the suit property is really situated in S.No.788/2, he has no objection to a decree being passed in favour of the plaintiff. On this basis, it was argued that the defendant himself has admitted that the plaintiff is entitled to the relief sought. Hence, the learned counsel prayed for decreeing the suit.

Arguments on the Defendant's side:

12. The learned counsel appearing for the defendant submitted that a plaintiff seeking permanent injunction must first establish his lawful possession over the property as on the date of the suit. According to the learned counsel, the plaintiff has failed to establish possession by acceptable documentary evidence. The learned counsel submitted that the plaintiff has not produced any document of title. Though paragraph No.3 of the plaint proceeds on the basis that the suit property belonged to the plaintiff's father, there is no pleading explaining how the plaintiff's father acquired the property or how the plaintiff subsequently became exclusively entitled to it.

13. The learned counsel particularly relied upon the cross-examination of PW-1 and submitted that PW-1 materially departed from the case pleaded in the plaint. The learned counsel pointed out that PW-1 admitted: "நான் தாக்கல் செய்துள்ள வழக்கில் தாவா சொத்து எனது தகப்பனாருக்கு சொந்தமான சொத்து என்று கூறியுள்ளேன் என்றால் சரியல்ல, அது எனது பாட்டனாருக்கு சொந்தமான சொத்தாகும்." He further stated that his



grandfather was Allaiya Gowder/Nanja Gowder and that his grandfather had two heirs, namely Rangan and Kari. It was therefore submitted that the plaintiff's own evidence introduces a new root of title which was not properly pleaded.

14. The learned counsel further pointed out that PW-1 admitted: "இந்த வழக்கில் தாவா சொத்து அல்லைய்யா கவுடருக்கு பாத்தியப்பட்டது என்பதை காண்பிக்க எந்தவித ஆவணங்களும் நான் தாக்கல் செய்யவில்லை என்றால் சரிதான்." He further admitted that the plaint did not contain the particulars that the property belonged to Allaiya Gowder and that he had two heirs, Rangan and Kari. The learned counsel further relied upon the evidence of PW-1 that the property was jointly related to his father Kari and paternal uncle Rangan and that the property was divided between them. PW-1 admitted that there was no document evidencing the alleged partition.

15. The learned counsel further pointed out that PW-1 stated that after the death of his father, there were four heirs, namely Bojan, Sundari, Chinna and himself, and that the suit property was thereafter allotted to him in an oral partition. Again, there was no documentary evidence of the alleged partition. It was therefore submitted that the plaintiff seeks to establish his alleged exclusive title through several successive transactions and oral partitions which are neither properly pleaded nor proved. In support of the above contention, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in **Sebastiao Luis Fernandes (Dead) by LRs. and Others v. K.V.P. Shastri and Others**, AIR ONLINE 2013 SC 579, and submitted that the plaintiff must establish the right upon which the consequential relief is founded.



16. The learned counsel next submitted that Ex.A-1, being a revenue record, cannot confer title. The plaintiff cannot establish ownership merely through an entry in the Chitta. Reliance was placed upon **Canbank Financial Services Ltd. v. The Custodian and Others**, (2004) 8 SCC 355 : AIR 2004 SC 5123, for the proposition that title must flow from a legally recognised source and that an admission cannot by itself create title. The learned counsel further submitted that the plaintiff has not established possession. PW-1 admitted that he had not produced any possession certificate, tax receipt or adangal to establish his possession.

17. The learned counsel further relied upon the following material admission of PW-1: "பிரதிவாதி தாவா சொத்தில் ஏதாவது இடையூறு செய்தாரா என்றால் செய்யவில்லை." PW-1 further admitted: "நான்தான் தாவா சொத்தில் அனுபவத்தில் உள்ளேன் என்பதை காண்பிக்க அனுபோக சான்றிதழ் தாக்கல் செய்யவில்லை என்றால் சரிதான். நான்தான் தாவா சொத்தில் அனுபவத்தில் இருந்து வருகிறேன் என்பதை காண்பிக்க வரி ரசீது, அடங்கல் நகல் எதுவும் நான் தாக்கல் செய்யவில்லை என்றால் சரிதான்." According to the learned counsel, when the plaintiff himself admits that the defendant had not interfered with his possession, there is no cause of action for the present suit.

18. The learned counsel further submitted that the plaintiff's reliance upon the alleged admission of DW-1 is misplaced. Admissions made during cross-examination are evidentiary admissions and cannot automatically be treated as conclusive judicial admissions. In this regard, reliance was placed upon **Nagindas Ramdas v. Dalpatram Ichharam alias Brijram and Others**, (1974) 1 SCC 242 : AIR 1974 SC 471, wherein the Hon'ble Supreme Court distinguished judicial



admissions from evidentiary admissions. The learned counsel therefore prayed for dismissal of the suit and also sought compensatory costs.

Points for consideration:

19. Arguments advanced by the learned counsels of either side considered carefully. The pleadings of the parties, the oral and documentary evidence available on record, and the submissions advanced on either side have been carefully considered. The principal question that arises for determination in this suit is whether the plaintiff has established his lawful possession over the suit schedule property and, consequently, whether he is entitled to the relief of permanent injunction as prayed for. For the purpose of adjudicating the said controversy, this Court framed the issues set out above. The discussion and findings on each of those issues are dealt with separately in the succeeding paragraphs.

Discussion on Issue No. 1:

20. The issue No.1 is that, Whether the suit is maintainable without the plaintiff seeking the relief of declaration of title? The first issue concerns the maintainability of the suit for bare injunction in the factual circumstances of the present case. It is well settled that a suit for permanent injunction simpliciter is maintainable where the plaintiff is in settled possession and the dispute is confined to interference with possession. However, where the plaintiff's title is under a serious cloud and the adjudication of title becomes necessary for determining the plaintiff's entitlement, a bare injunction suit is ordinarily not the appropriate remedy.

21. The Hon'ble Supreme Court in *Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs.*, (2008) 4 SCC 594, explained the circumstances in which a suit for



injunction simpliciter would lie and held that where the plaintiff's title is under a cloud, the appropriate remedy would ordinarily be a suit for declaration with consequential relief. Therefore, the question in the present case is not merely whether the plaintiff has produced a registered title deed. The question is whether the plaintiff's alleged title and exclusive right over the suit property are so clear and undisputed that the Court can adjudicate a mere dispute regarding possession.

22. In the present case, the plaintiff has pleaded that the suit property belonged to his father Kari. However, the evidence of PW-1 materially alters the source of the alleged title. In his cross-examination, PW-1 stated: "நான் தாக்கல் செய்துள்ள வழக்கில் தாவா சொத்து எனது தகப்பனாருக்கு சொந்தமான சொத்து என்று கூறியுள்ளேன் என்றால் சரியல்ல, அது எனது பாட்டனாருக்கு சொந்தமான சொத்தாகும்." He then stated that his grandfather was Allaiya Gowder and that the grandfather had two heirs, Rangan and Kari. Thus, the evidence introduces the grandfather as the alleged original owner, whereas the plaint proceeds on the basis that the plaintiff's father was the absolute owner.

23. More importantly, PW-1 admitted that no document was filed to establish that the property originally belonged to his grandfather and that the plaint did not contain the particulars concerning the grandfather and his two heirs. PW-1 thereafter stated that both Kari and Rangan had rights in the property: "தாவா சொத்து எனது தாத்தாவின் சொத்து என்பதால் ரங்கன் மற்றும் காரி ஆகிய இருவருக்கும் அதில் உரிமை உள்ளது என்றால் சரிதான்." He further stated that the property was divided into two portions and one portion was allotted to his father Kari and the other to Rangan.



24. Thus, according to the plaintiff's own evidence, the plaintiff's father was not the original exclusive owner. His alleged right was derived through an earlier partition. PW-1 admitted that no document was filed to prove that partition: "எனது தகப்பனாருக்கும், சித்தப்பாவிற்கும் இடையே பாகப்பிரிவினை நடைபெற்றது என்பதை காண்பிக்க இந்த வழக்கில் ஏதாவது ஆவணங்களை தாக்கல் செய்துள்ளேனா என்றால் இல்லை."

25. PW-1 then introduced a second alleged partition, namely the partition among the four legal heirs of Kari, under which the suit property was allegedly allotted to the plaintiff. He admitted that there was no document evidencing the said partition and stated that it was oral. Therefore, the plaintiff's alleged title is founded upon several successive stages of devolution and partition. None of the material links in that chain has been established through acceptable documentary evidence.

26. This is not a case where the plaintiff's title is admitted and only possession is disputed. On the contrary, the very source and manner of acquisition of the plaintiff's alleged exclusive right have been questioned by the defendant and have also become doubtful from the plaintiff's own evidence. The plaintiff cannot, in a suit for bare injunction, seek to establish an unpleaded or inadequately pleaded chain of title through oral evidence and thereby avoid seeking the appropriate declaratory relief when his alleged title itself is under serious cloud.

27. The principle relied upon by the learned counsel for the defendant in *Sebastiao Luis Fernandes (Dead) by LRs. and Others v. K.V.P. Shastri and Others*, AIR ONLINE 2013 SC 579, is relevant to the extent that the plaintiff must establish the right upon which the consequential relief is founded. Hence, on the facts of the present case, the plaintiff has failed to establish a clear and undisputed right over the



suit property. His alleged title is under a cloud and requires proper adjudication. *Accordingly, Issue No.1 is answered against the plaintiff.*

Discussion on Issue No.2:

28. The issue No.2 is that, whether the plaintiff is in possession of the suit schedule property? This issue is the most important issue in the present suit because the plaintiff seeks protection of possession by way of permanent injunction. The burden is upon the plaintiff to establish that he was in possession of the specific suit schedule property on the relevant date. The plaintiff has relied upon Ex.A-1 Chitta Extract. However, the evidentiary value of the said document has to be examined along with the oral evidence of PW-1.

29. PW-1 admitted that the suit property originally belonged to his grandfather and that there were two heirs, Rangan and Kari. He also admitted that Rangan's name was not found in Ex.A-1, whereas the name Kari appeared therein. PW-1's evidence regarding the revenue records is significant. He admitted that after the alleged partition between his father and paternal uncle, no subdivision was effected in their names and their names were not entered in the revenue records. He explained that they were not educated and therefore did not take steps to enter their names.

30. More importantly, PW-1 admitted that after the alleged partition among the legal heirs of his father, he did not take any steps to have the property subdivided in his name or to have his name entered in the Chitta. His evidence is: "எனது சகோதர சகோதரிகளுக்கு இடையே பாகப்பிரிவினை ஏற்பட்டதாக கூறும் நிலையில் எனது பெயரை சிட்டாவில் சேர்க்க நான் ஏதாவது நடவடிக்கை



எடுத்துள்ளேனா என்றால் இல்லை. நான் தாவா சொத்தினை எனது பெயரில் உட்பிரிவு செய்ய ஏதாவது நடவடிக்கை எடுத்துள்ளேனா என்றால் இல்லை." His explanation was that he was uneducated and therefore did not take such steps.

31. The Court does not reject the explanation merely because the plaintiff is stated to be uneducated. However, the absence of any mutation, subdivision or revenue entry in the plaintiff's name remains a relevant circumstance when the plaintiff has chosen to rely upon revenue records to establish his possession.

32. More importantly, PW-1 admitted that he had not filed any possession certificate: "நான்தான் தாவா சொத்தில் அனுபவத்தில் உள்ளேன் என்பதை காண்பிக்க அனுபோக சான்றிதழ் தாக்கல் செய்யவில்லை என்றால் சரிதான்." He further admitted: "நான்தான் தாவா சொத்தில் அனுபவத்தில் இருந்து வருகிறேன் என்பதை காண்பிக்க வரி ரசீது, அடங்கல் நகல் எதுவும் நான் தாக்கல் செய்யவில்லை என்றால் சரிதான்." These are direct admissions relating to the absence of documentary evidence of possession.

33. A plaintiff seeking an injunction over immovable property is expected to establish the fact of possession by acceptable evidence. Though possession can certainly be established by oral evidence, in the present case PW-1's oral evidence is itself materially affected by the contradictions and the absence of supporting documents.

34. The plaintiff's case is also affected by the fact that his alleged exclusive possession itself flows from the alleged oral partition among the four legal heirs of



Kari. If that alleged partition is not satisfactorily established, the plaintiff's assertion of exclusive possession becomes doubtful.

35. The defendant, on the other hand, has produced Ex.B-1 and Ex.B-2 in relation to S.No.788/3A/3A2. However, it must be recorded that these documents do not establish the defendant's title over S.No.788/2, which is the survey number mentioned in the suit schedule. DW-1 himself admitted that the property covered by Ex.B-1 is in S.No.788/3A and that the suit property is in S.No.788/2. His evidence is: "தாவா சொத்து சர்வே எண் 788/2-ல் உள்ள நிலையில் பி.வா.சா.ஆ.1 செட்டில்மெண்ட் பத்திரமானது சர்வே எண் 788/3A-ற்கானது என்பதால் வழக்கு சொத்திற்கும், பி.வா.சா.ஆ.1 ஆவணத்திற்கும் எந்தவித தொடர்பும் இல்லை என்றால் சரிதான்..." He further stated that the plaintiff had wrongly shown the defendant's property as the plaintiff's property.

36. DW-1 also admitted that there was no correspondence between the four boundaries of the suit property and the four boundaries mentioned in Ex.B-1. He stated: "இந்த வழக்கின் சொத்தின் 4 எல்லைகளுக்கும், பி.வா.சா.ஆ.1 செட்டில்மெண்ட் பத்திரத்தில் குறிப்பிட்டுள்ள 4 எல்லைகளுக்கும் எந்தவித தொடர்பும் இல்லை என்றால் சரிதான்..." and further stated: "சர்வே எண் 788/2-ல் முழுவதும் ஒரு தொழிற்சாலை உள்ளது, அதற்கும் மேலே உள்ளதுதான் சர்வே எண் 788/3A-ல் உள்ள எனது சொத்தாகும்." Thus, the defendant's evidence does create a clear distinction between S.No.788/2 and S.No.788/3A. However, the fact that the defendant has failed to establish that his property is the suit property does not, by itself, establish the plaintiff's possession. The plaintiff must succeed on the strength of his own evidence.



37. The evidence of PW-1 therefore assumes decisive importance. His admissions regarding the absence of possession certificate, tax receipt and adangal, coupled with the absence of mutation and subdivision in his name, are circumstances which materially weaken his claim of exclusive possession. Hence, this Court finds that the plaintiff has failed to establish his actual possession over the suit schedule property by a preponderance of probabilities. ***Accordingly, Issue No.2 is answered against the plaintiff.***

Discussion on Issue No.3:

38. Issue No.3 is that, whether the plaintiff is entitled to permanent injunction as prayed for? The relief sought by the plaintiff is permanent injunction. The plaintiff must therefore establish: (i) his possession over the suit property; (ii) interference or attempted interference by the defendant; and (iii) the legal entitlement to protect such possession by injunction. As already discussed under Issue No.2, the plaintiff has failed to establish his possession satisfactorily.

39. The second aspect is the alleged interference. The plaint contains allegations that the defendant attempted to trespass during April 2022, on 10.05.2022 and again on 19.08.2024. However, the evidence must establish these allegations. Ex.A-2 is the legal notice dated 17.05.2022 and Ex.A-3 is the returned postal cover dated 25.05.2022. These documents establish that a notice was issued and returned, but they do not independently establish the actual physical interference alleged by the plaintiff.

40. No independent witness has been examined to establish the alleged acts of interference. More importantly, PW-1 made a direct admission in cross-examination: "பிரதிவாதி தாவா சொத்தில் ஏதாவது இடையூறு செய்தாரா



என்றால் செய்யவில்லை." Thus, according to PW-1 himself, the defendant had not interfered with the suit property. Though PW-1 denied the suggestion that there was consequently no cause of action, the Court must consider the substance of the admission. If the defendant had not disturbed the plaintiff's possession, the plaintiff must at least establish a genuine and reasonable threat of interference to justify preventive relief. The mere assertion in the plaint is insufficient when the plaintiff's own testimony does not support the allegation. Therefore, the plaintiff has failed to prove actual interference.

41. The plaintiff's counsel relied heavily upon the answer of DW-1 regarding the decree. DW-1 stated in his cross-examination that since the suit property and the property described in Ex.B-1 were different, he had no objection if a decree was passed in respect of the suit property. The relevant portion reads: "தாவா சொத்து விவரமும், தானப்பத்திரத்தில் உள்ள சொத்து விவரமும் வேறு வேறு என்பதால் வழக்கில் கோரியள்ளபடி தீர்ப்பு பிறப்பிக்க எனக்கு ஆட்சேபணை இல்லை என்றால் சரிதான்." However, the very same deposition contains the following clarification: "சாட்சி மீண்டும் மாற்றி சர்வே எண் 788/3A2-ல் எனது சொத்து உள்ளது, வாதி தாக்கல் செய்துள்ள வழக்கு சர்வே எண் 788/2-ல் உள்ள சொத்திற்கானதாகும், வாதியின் சொத்து சர்வே எண் 788/3-ல் இருப்பதாக வாதி தெரிவித்தால் அதன்படி தீர்ப்பு பிறப்பிப்பதில் ஆட்சேபணை உள்ளது." Therefore, the answer cannot be read in isolation.

42. DW-1's consistent case is that his property is situated in S.No.788/3A2 and that the plaintiff's suit is in respect of S.No.788/2. He objects only if the plaintiff seeks to treat S.No.788/3A as the suit property. Hence, the statement that he has no



objection to a decree in respect of S.No.788/2 cannot be treated as an admission that the plaintiff is the owner or possessor of S.No.788/2.

43. It is also settled that an evidentiary admission made during cross-examination must be appreciated in the context of the entire evidence. In *Nagindas Ramdas v. Dalpatram Ichharam alias Brijram and Others, (1974) 1 SCC 242 : AIR 1974 SC 471*, the Hon'ble Supreme Court explained that judicial admissions made in pleadings stand on a higher footing than evidentiary admissions, while evidentiary admissions are not by themselves conclusive.

44. In the present case, the statement of DW-1, read along with his clarification, does not amount to an admission of the plaintiff's title or possession. At the highest, it establishes that the defendant accepts the distinction between S.No.788/2 and his own property in S.No.788/3A. Such an admission cannot discharge the plaintiff's burden of proving possession. Further, DW-1's evidence itself discloses that the defendant's claim relates to S.No.788/3A. He stated: "சர்வே எண் 788/3A, உட்பிரிவிற்கு பிறகு 788/3A2-ல் 0.07.60 ஏக்கர் அல்லது 7.60 சென்ட் எனக்கு பாத்தியப்பட்டதாகத்தான் கூறியுள்ளேன்." He further stated that the property originally belonged to his grandfather Kari and subsequently devolved upon the family members and was divided orally. DW-1 also admitted that no document was produced to establish the alleged oral partition within his family.

45. Therefore, the evidence of both parties contains certain deficiencies regarding the historical source of their respective claims. But the plaintiff cannot take advantage of the deficiency in the defendant's title to obtain an injunction unless he first establishes possession over the suit property. The plaintiff has not done so. Hence, the plaintiff is not entitled to permanent injunction. *Accordingly, Issue No.3*



is answered against the plaintiff.

Discussion on Issue No.4:

46. Issue No.4 is that, to what other relief the plaintiff is entitled for? In view of the findings rendered on Issue Nos.1 to 3, the plaintiff is not entitled to any other relief in the present suit. *Accordingly, Issue No.4 is answered against the plaintiff.*

47. The defendant has sought compensatory costs. The mere dismissal of the suit does not automatically warrant an order for compensatory costs. Such costs require the statutory requirements to be satisfied. In the present case, though the plaintiff has failed to establish his entitlement, this Court is not inclined to hold that the suit was instituted solely for the purpose of vexation so as to impose compensatory costs under Section 35A CPC. However, since the plaintiff has failed to establish his possession, the alleged interference and the basis of his exclusive right, the suit deserves to be dismissed with ordinary costs.

RESULT:

48. *In the result, this suit is dismissed with costs.*

This judgment is dictated to the steno typist, transcribed by her in computer, corrected and pronounced by me in open court, on this 12th day of August 2026.

**DISTRICT MUNSIF,
UDHAGAMANDALAM**

**List of Witnesses and Documents:****Plaintiff's side witnesses examined:**

1. K. Kumar - Pw-1 (Plaintiff)

Plaintiff's side exhibits marked:

Sl. No	Date	Documents	Nature of Documents	Exhibits
1.	12.08.2024	Chitta Extract	Online Copy	Ex. A-1
2.	17.05.2022	Legal Notice along with Postal Receipt	Office Copy/Original	Ex. A-2
3.	25.05.2022	Returned Postal Cover	Original	Ex. A-3

Defendant's side witnesses examined:

1. M. Mahesh - Dw-1 (Defendant)

Defendant's side exhibits marked:

Sl. No	Date	Documents	Nature of Documents	Exhibits
1.	27.07.2023	Gift Settlement Deed	Original	Ex. B-1
2.	11.09.2024	Chitta Extract	Online Copy	Ex. B-2

**DISTRICT MUNSIF,
UDHAGAMANDALAM.**



Draft / Fair Judgment:

O.S. No. 62/2024

Dated: **12.08.2026**

**District Munsif Court,
Udhagamandalam**