



IN THE COURT OF THE DISTRICT MUNSIF, MUDUKULATHUR

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Thursday, this the 09th day of April 2026

O.S.No.43/2017

CNR.No.TNRM09-000050-2017

Seenivasan

..... Plaintiff

/Vs/

1. Muthuramu

2. Kumaran

..... Defendants

This suit came on 23.03.2026 before this court for a final hearing in the presence of Thiru.K.Alagarsamy, Learned Counsel for the Plaintiff and Thiru.K.Velusamy, Learned Counsel for the Defendants and heard both sides argument and perused the entire records and evidence and having stood over for my consideration till this day, this court delivered the following...

JUDGMENT

Suit for declaring that the plaintiff is the owner of the suit property and Consequential Permanent Injunction and for the relief of permanent injunction restraining the defendants and his men from interfering with the plaintiff's peaceful possession and enjoyment of the suit property and for cost.



2) Gist of the plaintiff in brief is as follows:-

The property in survey No.120/1, Patta No.221, originally belonged to Andi S/o Thavasi Pagadai and Mandhan S/o Sonai Pagadai. On 08.07.1967, Andi, Sonai, Karuppan, Vellaiyan who are the sons of above said Thavasi Pagadai by way of a registered mortgage deed mortgaged the entire property in favour of the plaintiff's grandfather Mandhan for a period of 3 years. Since the lease deed was never redeemed, after the plaintiff's grandfather, the plaintiff's father and after him, the plaintiff is in the possession and enjoyment by prescriptive title and prolonged enjoyment. The eastern portion of the suit property was transferred by sale in favour of Poomayilammal and in turn was transferred by way of sale in favour of one Velli on 14.03.1986. Now the defendants who have no right or possession over the suit property are trying to interfere with the plaintiff's peaceful possession. Hence this suit for declaration and consequential permanent Injunction.

3. Gist of the Written statement submitted by the defendants in brief is as follows:-

The defendants deny the averments in the plaint. The suit property is not identified by the plaintiff. The plaintiff is liable to prove that he is the legal heir of Mandhan. The plaintiff or his ancestors had no right over the suit property. The defendants' mother by way of sale deed dated 17.11.1964 purchased the suit property and settled the same in favor of her husband by way of a settlement deed

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dated 24.02.1972. In the above said settlement deed, the survey number 120/1 is mentioned as item number 2 and out of total extent of 1 Acre 02 cents, 57 cents (survey number 120/1A) was settled and the remaining extent was retained by the defendants' mother and subsequently transferred the portion retained by her in favour of Velli by way of sale dated 15.02.1983. Velli transferred the same in favour of Velu Thevar by way of sale dated 14.03.1986. Velu Thevar on 28.10.2014 transferred the same in favour of Gnanapandiyan by way of sale. In the said sale deed, the southern boundary is shown as Poomayilammal Punjai. The defendants are the sons of Gnanapandiyan. After the demise of Gnanapandiyan, his sons (the defendants) and his one other daughter Shanthi are the absolute owners. The Defendants and their sister Shanthi have leased the same in favour of one Gnanapandi and he is currently in the possession of the suit properties. The above-mentioned Shanthi and Gnanapandi are necessary parties to the suit. The plaintiff has suppressed all the above facts. The revenue records are also mutated as such. Hence this suit is liable to be dismissed.

4) Based on the pleadings on both sides following issues were framed on 01.02.2018:-

1. தாவா சொத்து வாதியின் அனுபவத்திலும் சுவாதீனத்திலும் உள்ளதா?
2. தாவா சொத்தினை எவ்வித இடையூறின்றி அனுபவம் செய்ய வாதி சட்டப்படி உரிமையுள்ளவரா ?



3. தாவா சொத்தை பொறுத்து விளம்புகை பரிகாரம் கோராமல் உறுத்துக்கட்டளை பரிகாரம் மட்டும் கோரி தாக்கல் செய்துள்ள வாதியின் வழக்கு சட்டப்படி நிலைக்கத்தக்கதா?
4. தாவா சொத்தை பொறுத்து வாதி கோரிய நிரந்தர உறுத்துக்கட்டளை பரிகாரம் வாதிக்கு கிடைக்கத்தக்கதா?
5. வாதிக்கு கிடைக்கக்கூடிய இதர பரிகாரம் எவை?

5. As per Order 14 Rule 5 for the sake of convenience of the judgment the following issues are recast as follows:-

1. Whether the plaintiff is the absolute owner of the suit property and is in possession of the same as alleged by him?
2. Whether the suit is bad for non joinder of necessary parties?
3. Whether the plaintiff is entitled to the relief of declaration and consequential permanent injunction as prayed for?
4. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?
5. To what other reliefs is the plaintiff entitled for?

6. Evidence let in:

On the plaintiff's side, the plaintiff examined himself as PW1, one Mr.Arumugam was examined as PW2 and one Mr.Veerapathiran was examined as PW3. Through PW1, Ex.A1 to Ex.A14 were marked.



On the defendants side, no one was examined. During the cross examination of PW1, Ex.B1 to Ex.B3 were marked.

Heard both sides arguments and considered the pleadings and perused both side evidence carefully.

7. Issue No.1, 2 & 3:

7.1. Initially the suit was filed for the relief of permanent injunction alone and by way of amendment by order in interlocutory application in IA No 09/2025, a prayer for declaration and consequential permanent injunction was added. The plaintiff claims that the suit property in survey number 120/1, measuring an extent of 53 cents was mortgaged in favour of plaintiff's grandfather by way of a registered mortgage deed by Andi, Sonai, Karuppan, Vellaiyan who are the sons of Thavasi Pagadai. The plaintiff claims that the suit property originally belonged to Andi S/o Thavasi Pagadai and Mandhan S/o Sonai Pagadai. Since the mortgage was never redeemed, the plaintiff inherited the same from his grandfather and after the lifetime of his father, the plaintiff is in possession and enjoyment of the same. The said mortgage deed in document No 1176/1967 dated 06.07.1967 is marked as Ex.A2 on the side of the plaintiff. In the said Ex.A2, the total extent of survey 120/1 is shown as 2 Acres 5 cents and the extent mortgaged is shown as 53 cents on the western side out of the total extent. The SLR for the survey number 120/1 is marked as Ex.A1. On perusal Ex.A1 shows survey number 120/1 measuring an



extent of 1 Acre 66 cents as “Othi patta” standing in the name of Andi and Mandhan. The plaintiff claims that said Mandhan is his grandfather but no documents were filed by him to prove the same.

7.2. The plaintiff claims that Ex.A4 is a sale deed in document number 1997/1964 executed in favour of one Poomayilammal in respect of the eastern portion of survey number 120/1. No specifics are mentioned in the plaint as to by whom the sale was executed. On perusal of Ex.A4, it can be seen that it was executed by one Karuppan son of Sonai for himself and for his minor children and the western boundary is mentioned as Karuppan’s land. Ex.A5 is a sale deed executed in favour of one Velu Thevar in respect of the northern portion of survey number 120/1 measuring an extent of 56 cents. No specifics are mentioned in the plaint as to by whom the sale was executed. On perusal of Ex.A5, it can be seen that it was executed by one Velli.

7.3. During the cross examination of Pw1, Ex.B1 was marked. On perusal of the recitals in Ex.B1, it can be seen that, the land which was purchased by Poomayilammal through Ex.A4 was subsequently transferred to one Velli by Poomayilammal through sale deed dated 15.02.1983 and the same was transferred by Velli in favour of Velu through Ex.A5 and the same was transferred in favour of Gnanapandi through Ex.B1. The defendants claim that the Gnanapandi is their father and after his demise, they are the absolute owners and are in the possession



and enjoyment of the same. During the cross examination of the Pw1, the adangal and land tax receipts in the name of the vendor to the defendants' father were marked as Ex.B2 and Ex.B3 and the survey number is seen as 120/1A and 120/1A2 in the said exhibits. As discussed above, the total extent of the Survey number 120/1 is mentioned as 2 Acres 5 cents in the Ex.A2. The FMB of the survey number 120/1 is marked as Ex.A 6. On perusal of the same, it can be seen that the survey number 120/1 has been divided into multiple subdivisions. The plaintiff has not identified the suit property which measures an extent of 53 cents as to where in survey number 120/1, the suit property is located. But on perusal of revenue records filed by the plaintiff for the subdivided survey number 120/1B, it measures an extent of 0.22.5 hectare (56 Cents). From the above discussions, it can be concluded that the properties in Ex.A2 and Ex.A4 are different portions of survey number 120/1.

7.4. Now the plaintiff claims title in the suit property by way of Ex.A2 which is the registered mortgage deed in favour of his grandfather Mandhan. The "Othi Patta" in his grandfather's name is also marked as Ex.A1. The plaintiff claims that since the mortgage was never redeemed, his grandfather's title became absolute and after his demise, the plaintiff's father inherited the same and after him, the plaintiff became the absolute owner. On perusal of Ex.A2, the mortgage is not a mortgage by conditional sale. The proper course would be a mortgage suit.



Also the pw1 in his cross examination admits that his grandfather had 2 male and 6 female heirs. And also admits that the plaintiff's father has 3 male and 2 female heirs through his second wife Karuppi. The plaintiff has neither produced documentary evidence or oral evidence to prove the alleged partitions between his grandfather's legal heirs or between the legal heirs of his father and has failed to add the other legal heirs to the suit. In this circumstances, the plaintiff has not proved his title to the suit property and is not entitled to the relief of declaration and consequential permanent injunction. Hence these issues are answered accordingly.

8. Issue No.4 :-

The plaintiff has produced exhibits A9 (patta), A10 (A-Register), A12(Adangal) and A14 (Crop Insurance Receipt). Among the said exhibits A9 (patta) and A10 (Adangal) for survey No.120/1B stands in the name of Andi and Mandhan. The other exhibits stand in the name of plaintiff, A7 (House Tax Receipt). A12 (Adangal) and A14 (Crop Insurance Receipt) are of the year 2021 and are after trial documents and cannot be relied upon. No other documents produced by plaintiff to prove his exclusive possession in the suit property. Hence in the light of the above discussions, the plaintiff has failed to prove his possession



on the date of institution of the suit and the the plaintiff is not entitled to the relief of permanent injunction as prayed for. Hence the issue is answered accordingly.

9. Issue No.5:-

As per the facts and circumstances of this case, this court comes to the conclusion that the plaintiff is not entitled to any other relief. Hence the Issue is answered accordingly.

10. In the result, this suit is dismissed as follows,

a. the plaintiff is not entitled to the relief of declaring that the plaintiff is the owner of the suit property and Consequential Permanent Injunction restraining the defendants and his men making any encroachments,

b. the plaintiff is not entitled to the relief of permanent injunction restraining the defendants and his men from interfering with the plaintiff's peaceful possession and enjoyment of the suit property,

c. there is no order as to costs.

Directly typed by me in my official laptop, aligned by the Steno Typist, corrected by me and pronounced in the open court, on this 09th day of April 2026.

**District Munsif ,
Mudukulathur.**



Plaintiff side Witnesses:-

PW1 - Thiru.Seenivasan

PW2 - Thiru.Arumugam

PW3 - Thiru.Veerapathiran

Plaintiff side Exhibits:-

- | | | |
|--------|------------|---|
| Ex.A1 | - | SLR for S.No.120/1- Xerox copy |
| Ex.A2 | 08.07.1967 | Mortgage deed- Original |
| Ex.A3 | - | Encumbrance Certificate- SRO copy |
| Ex.A4 | 17.06.1964 | Sale deed executed by Karuppan infavour of Poomayilammal- SRO copy |
| Ex.A5 | 14.03.1966 | Sale deed executed by Velli infavour of Velu Thevar- SRO copy |
| Ex.A6 | - | FMB for S.No.120/1A- True copy |
| Ex.A7 | - | House Tax Receipt in the name of plaintiff- Original |
| Ex.A8 | - | 10(1) Patta for S.No.133/10- Online copy |
| Ex.A9 | - | 10(1) Patta for S.No.120/1B- Online copy |
| Ex.A10 | - | A Register for S.No.120/1B- True copy |
| Ex.A11 | - | FMB for S.No.120/1B- True copy |
| Ex.A12 | - | Adangal for S.No.130/10 and 120/1B- True copy |
| Ex.A13 | - | Certificate of No Tax Arrears issued by the Village Administrative Officer-Original |
| Ex.A14 | - | TNCSC Adangal- original |

Defendants side Witness :- Nil

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Defendants side Exhibits:-

- | | | |
|-------|------------|---|
| Ex.B1 | 28.01.2014 | Sale deed executed by Velu in favour of Gnanapandi-SRO copy |
| Ex.B2 | - | Adangal for S.No.120/1A in the name of Velu- True copy |
| Ex.B3 | - | Tax Receipt for S.No.120/1A in the name of Velu- Original |

**District Munsif ,
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