



DMC ARAKKONAM 1 OS.42/2024
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET DISTRICT

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Wednesday the 12th day of August 2026

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(CNR - TNRP080000632024)

S.Usha

---Plaintiff

(vs)

1. S.Tamilselvi
2. S.Chinnaselvi
3. S.Jansirani
4. S.Aarish

---Defendants

This suit is coming for final hearing before me on 01.08.2026 in the presence of Mr.A.Ravivarman counsel appearing for plaintiff. Mr.M.Veeraraghavan counsel appearing for Defendants. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

JUDGMENT

The suit is filed for dividing the schedule mentioned suit properties into 5 equal shares and to allot one such share to the plaintiff and put the plaintiff into possession of the said properties and granting permanent injunction restraining the defendants, their agents, servants etc from in any manner creating any encumbrance over the schedule described properties till the disposal of the above suit and the defendants to pay the costs of this suit to the plaintiff.

**1. Brief Averments of plaint:**

1.1. The plaintiff states that the plaintiff and defendants are the sisters. Originally schedule mentioned property was purchased by Nanamari Ammal, she is the Grandmother of the plaintiff and the defendants. After the Nanamari Ammal purchased the scheduled mentioned property she was take over the scheduled property in his peaceful possession and enjoyment in his life time. After few year the plaintiff and the defendant Grandmother was passed away. After the demise of the plaintiff and the defendants Grandmother Nanamari Ammal, the plaintiff and the defendants Mother Devakirubai was take over the scheduled property in his control and enjoying the peaceful possession without any one hindrance. The said Devakirubai is the only one legal heir of the Nanamari Ammal. Here after the Revenue department was issued patta pass book in favour of the plaintiff and the defendants Mother Devakirubai.

1.2. Further states that the patta passbook issued by the Revenue Department the plaintiff and the defendant mother Devakirubai was executed the settlement deed dated 24.02.2009 in favour of the plaintiff and the defendant for equal share. The plaintiff and the defendants 1 to 4 are each entitled to 1/5 share in schedule mentioned property, the suit schedule mentioned property are still being as undivided joint family property. The plaintiff submit that on several times orally request the defendants for amicable partition and division of the schedule mentioned suit property into five equal shares and allot one such share to the plaintiff. But for the reason best known to the defendants are evading to come forward for the amicable partition and division of the suit property.

1.3. Further states that the defendants are making arrangements to create encumbrance over the schedule mentioned suit property. Hence there is no possible hereafter to be joint with the defendants as co-owner/co-sharer in respect of the suit



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property. Hence the plaintiff have no other option except to file this suit for partition and division of the schedule mentioned suit property to file this suit for partition and division of the schedule mentioned suit property into five equal shares and allot one such share to the plaintiff and deliver possession of the same and also relief of permanent injunction restraining property.

2. Brief Averments Written Statement filed by 3rd Defendant:

2.1. The defendant states that the defendant denies all the allegations made by the plaintiff in the plaint except those that are specifically admitted by this defendant. The defendant admit that the plaintiff and defendants are the sisters and the schedule mentioned property was purchased by Nanamari Ammal who is the Grandmother of the plaintiff and the defendants and having purchased the suit property she was in continuous peaceful possession and enjoyment up to her life time and after the demise of said Nanamari Ammal her only daughter namely Devakirubai who is a mother of this defendants and the plaintiff had become the title holder of the suit property as such the patta has been granted in her name without any hindrance by anybody else. Thus all the revenue records and other document for the suit property which is stands in the name of the plaintiff and the defendants mother Smt.Devakirubai which is admitted by the plaintiff as well as the defendants.

2.2. Further states that the defendant admit para no.4 of the plaint that having absolute right and title over the suit property the plaintiff and the defendants mother Smt.Devakirubai had executed a settlement deed in favour of the plaintiff and the above said defendants on 24.02.2009 the same has been registered before the Sub Registrar office Kaveipakkam by document no.1284/2009. The defendant admit that the plaintiff and the defendants 1 to 4 are having 1/5th each share in the schedule mentioned property and the same is still being undivided joint family property. The



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plaintiff alone denying the defendants share in the suit property and she had attempt to create encumbrance by way of alienating the entire suit property as such the defendants are already lodged a police complaint as against the plaintiff and even after advice given by the police authority she had post pone to make a amicable partition for the suit property. Thus this defendants had always ready for amicable partition into 5 equal share but the plaintiff had filed this suit as against this defendants to drag on the same. While this defendants are prepare for partition the suit property this Hon'ble court may be pleased to pass a decree without cost.

3. Issues:

1. Whether plaintiff proved that he/she is having 1/5th share over the suit schedule property?
2. Whether plaintiff is entitled to the relief of partition as prayed for?
3. To what other relief the plaintiff is entitled?

On the side of the plaintiff the 1st plaintiff herself was examined as PW1 through him Ex.A1 to Ex.A4 was marked. Further one Mr.George was examined as Pw2 and no documents were marked. On the side of the defendants, 3rd Defendant was examined as D.W.1 and no documents were marked. Arguments put forth by both the counsels were heard and considered.

4.Discussion and findings:

Issue no. 1 and Issue No.2 are decided together:

4.1. Heard both sides, perused the records. The case of the plaintiff is that the plaintiff and defendant are sisters. Originally, the suit schedule property belonged to Nanamari Ammal, who is the grandmother of the plaintiff and the defendant. After



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the demise of the said Nanamari Ammal, the mother of plaintiff and defendants, Deva Kirubai took over the scheduled property and was in enjoyment of the same. Deva Kirubai is the only legal heir of the Nanamari Ammal. The said Deva Kirubai executed settlement deed on 24/2/2009 in favor of plaintiff and defendants for equal share. The schedule mentioned property are still being as undivided joint family property. When the plaintiff had requested for amicable partition, the defendants had not come forward to divide the same.

4.2. Whereas the contention of the defendants are that they admit that the plaintiff and defendants mother. They admit that the plaintiff and defendants are the sisters and the suit property was purchased by Nanamari Ammal, who is the grandmother of the plaintiff and defendants. After her demise Deva Kirubai, who is the mother of plaintiff and defendants, had become the owner of the suit property and she had executed settlement deed in favor of plaintiff and defendants on 24/2/2009. And further, the defendants admits that plaintiff and defendants are having 1/5th share each in the suit schedule property. The defendant is always ready for amicable partition.

4.3. On perusal of rival submission, this court is of opinion that the substantial decay of the plaintiff, the plaintiff herself has been examined as PW1. EX.A1 to EX.A3 were marked. George was examined as PW2 to support the case of the plaintiff. EX.A1 is the encumbrance certificate which reveals that entries has been made as Deva Kirubai had executed settlement deed in favor of the plaintiff and the defendants. EX.A2 is the guideline value. EX.A3 is the genealogical tree filed by the plaintiff. EX.A4 reveals that settlement deed has been executed by Deva Kirubai in favor of the plaintiff and defendants on 24/02/2009. On perusal of the documents adduced by the plaintiff and oral evidence adduced, this court is of opinion that on perusal of EX.A4, it is clear that Deva Kirubai had executed a settlement deed in



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favor of plaintiff and defendants by entitling plaintiff and defendants 1/5 shares each. The defendants on their side had examined the third defendant as DW1 and no documents were marked. They themselves in the written statement and proof of affidavit had admitted that their mother Devakirubai had executed a settlement deed in favor of plaintiff and defendants and they all are entitled to 1/5 share each. Hence, Issue No.1 and Issue No.2 are answered accordingly.

Issue No:3

The plaintiff has failed to prove that the defendants are trying to create encumbrance over the suit property. Therefore, plaintiff is not entitled to the relief of permanent injunction. Hence this Issue No.3 is answered accordingly.

Issue No.4:

Considering that the issues are decided and adjudicated that both the plaintiff and defendants are entitled for 1/5th share in the suit property they are not entitled to any further relief as prayed for.

In result this suit is partly decreed as follows:

- (i) Preliminary decree is passed dividing the suit property into 5 equal shares and plaintiff is allotted with one such share.
- (ii) Plaintiff is not entitled to the relief of permanent injunction
- (iii) Considering the nature of suit, there shall be no orders as to cost.

Dictated to typist directly, typed in his computer corrected and pronounced by me in the Open court on this the 12th day of August 2026.

District Munsif,
Arakkonam.

Plaintiff side witness :

Pw1 – Usha

Pw2 - George



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Plaintiff side exhibits :

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Ex.A1	24.02.2009 to 26.06.2024	Encumbrance certificate
Ex.A2	-	Guideline value of the suit properties.
Ex.A3	-	The Genealogical tree table.
Ex.A4	24.04.2009	Settlement deed

Defendant - side Evidence:-

Dw1- Jansirani

Defendant side Exhibits :-Nil

District Munsif,
Arakkonam.