

IN THE COURT OF THE SUBORDINATE JUDGE OF SANKARI

**Present: Thiru. E. Rajendra kannan, M.A., M.L.,
Subordinate Judge, Sankari.**

Thursday, this the 22nd day of December 2016

Original Suit No. 6 of 2016

1. Marappa gounder
2. Rasagounder
3. Thangammal
4. N. Madhappan
5. K.M.Palaniappan
6. V.P.Thangaraju

..... Plaintiffs

/Versus/

1. Pavayee
2. Sellamuthu
3. Sarasal
4. S. Sumathi
5. Sub Registrar, Komarapalayam

.... Defendants

This suit is coming on this day for final hearing before me in the presence of Tvl. B. S. Radhakrishnan, V. Rajasekar, T.Jawahar, Advocates for the plaintiffs, and Defendant 4 is appeared through Advocate Thiru. S. Gurusamy, and Defendant 5 is appeared through Advocate Thiru. P. Ramanujam, and Court summon and postal summon defendants D1 to D3 are served, defendants D1 to D3 are called absent, no response, the above service is held sufficient, Defendants D1 to D3 are hereby set as exparte, and they did not file any written statement hence D4 and D5 were set as exparte, and evidence of PW1 to PW3 are recorded and Ex.A-1 to A-10 marked, after hearings the plaintiffs side arguments and this court deliver the following

JUDGMENT

Suit for Partition, Declaration and Permanent Injunction. The plaintiffs filed the suit to pass a preliminary decree of partition to divide the suit property and allot 6.13 acres in the plaintiff and to declare the sale deed dated 23-9-2009 created by the defendants 1 to 3 in favour of 4th defendant in respect of the suit Re.S.No.29/2 is null and void, not binding upon the plaintiffs, and to restrain the defendants 1 to 4 not to alienate the suit property till effecting final decree, and to restrain the 5th defendant and to accept for register of sale deed in respect of suit property Re.No.29/2 till effecting final partition and for costs.

2) The 4th defendant was appeared through learned Advocate Mr. V. Durairaj, and 5th defendant was appeared through learned Advocate Mr. P. Ramanujam, did not file any written statement hence D4 and D5 were set as exparte, and Court summon and postal summon defendants D1 to D3 are served, defendants D1 to D3 are called absent, no response, the above service is held sufficient, Defendants D1 to D3 are hereby set as exparte.

3) The plaintiff examined himself as PW-1 and who Exhibits the Regd. Sale deed executed by the 13th defendant in favour of the 15th defendant as Ex.A1, Regd. Sale deed executed by the defendants 8, 13 & 14 in favour of the 16th defendant as Ex.A2, Regd. Sale deed executed by the defendants 14 & 15 in favour of the 6th defendant as Ex.A3, Regd. Sale deed executed by the defendants 8 & 13 in favour of the 17th defendant as Ex.A4, Regd. Sale deed executed by the defendants 8, 14 & 17 in favour of the 18th defendant as Ex.A5, Regd. Sale deed executed by the 13th defendant in favour of the 17th defendant as Ex.A6, Regd. Sale deed executed by the 6th defendant in favour of the 17th defendant as Ex.A7, Regd. Sale deed executed by the defendants 8, 13 & 14 in favour of the 19th defendant as Ex.A8, Regd. Sale deed executed by the defendants 8, 13 & 19 in favour of the 17th defendant as Ex.A9, Regd. Sale deed executed by the defendants 8 & 17 in favour of the defendants 20 & 21 as Ex.A10, Regd. Sale deed executed by the defendants 7 & 8 and the deceased Sellammal in favour of the 14th defendant as Ex.A11, Regd. Sale deed executed by the defendants 8 & 17 in favour of the defendant No.22 as Ex.A12, Regd. Sale deed executed by the 23rd defendant in favour of the 18th defendant as Ex.A13, Regd. Sale deed executed by the defendant No.23 in favour of the defendant No.24 as Ex.A14, Regd. Sale deed executed by the defendant No.23 in favour of the defendants 24 & 25 as Ex.A15, Regd. Sale deed executed by the 17th defendant in favour of the defendant No.26 as Ex.A16, Regd. Sale deed executed by the 14th defendant in favour of the 17th defendant as Ex.A17, and Regd. Sale deed executed by the 6th defendant in favour of the defendant No.22 as Ex.A18. The PW-2 is also supported the plaintiff case in his evidence who fortified the contention of plaintiff and Ex.A1 to A-18. Thereby the Plaintiff proved the case beyond any doubt. Hence this court is find justification to grand Decree in favour of the plaintiff.

4. Finally, this suit is Decreed as prayed for, It is hereby directed that the title of the plaintiffs over the suit property and allot 6.13 acres by the defendants

5. Further It is ordered and decreed that the defendants and their men be and are hereby directed to remove the construction made in the above said S.F.No. 257/1 by way of mandatory injunction and put the possession of the same to the plaintiff within in two

months,

6. In default that the plaintiffs are at liberty to do the same by due process of law.

7. It is hereby ordered and decreed that the defendants and their men be and are hereby restrained by means of permanent injunction from in any way interfering with or causing any sort of nuisance to the smooth functioning of the mining activities carried on by the 1st plaintiff in S.F.No.243/1 of Chinnagoundanoor Village as described in the A Schedule.

8. It is hereby ordered and directed that the defendants and their men agents and cohorts be and are hereby restrained by means of permanent injunction from in any way interfering with the peaceful possession and enjoyment of the plaintiffs over the suit A schedule properties.

9. The Defendants shall bear the cost of plaintiffs.

Pronounced by me in open court, this the 22nd day of December 2016.

Sd/- E. Rajendra kannan,
Subordinate Judge,
Sankari.

Plaintiffs witness :-

PW-1 ... Thiru. Marappa gounder

PW-2 ... Thiru. Madhappan

PW3 ... Thiru. V.P.Thangaraj

Plaintiffs Exhibits :-

Ex.A1 .../	/ Kist Receipt	/ Original
Ex.A2 .../	/ Computer Patta	/ Copy
Ex.A3 .../ 14-12-88	/ Sale Deed No. 2491/1988	/ Certified Copy
Ex.A4 .../ 30-4-1998	/ Sale Deed No. 1391/1998	/ Certified Copy
Ex.A5 .../ 8-2-2006	/ Sale Deed No. 470/2006	/ Certified Copy
Ex.A6 .../ 8-2-2006	/ Sale Deed No. 471/2006	/ Certified Copy
Ex.A7 .../ 23-9-2009	/ Sale Deed No. 1391/1998	/ Certified Copy
Ex.A8 .../28-10-2015	/ House Tax Receipt in Door No. 5/163	/ Original
Ex.A9 .. / –	/ E.B.Receipt in name of Palaniappan	/ Original
Ex.A10.. / –	/ E.B.Receipt in name of Marappa gounder	/ Original

Defendants Witness and Exhibits :- Nil

Sd/- E. Rajendra kannan,
Subordinate Judge,
Sankari.