

IN THE COURT OF THE SUBORDINATE JUDGE OF SANKARI

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

Thursday, this the 23rd day of August 2018

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 appeared through Advocate Thiru. P. Ramanujam, and the defendants 1 to 3 were received the summons through Court and post, but they did not appear hence they were being set as exparte. The Defendants 4 and 5 did not choose to file written statement hence they set as exparte. On recording the evidence of PW1 to PW3 and Exhibiting A-1 to A-10 and on hearing the argument of plaintiffs and on due consideration, this court hereby deliver the following.

JUDGMENT

The plaintiffs seeking relief for Preliminary Decree for Partition, Declaration and Permanent Injunction 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 as null and void and to restrain the defendants 1 to 4 from alienating the suit property till effecting final decree, as well as to restrain the 5th defendant from accepting the registration of sale deed in respect of suit property Re.S.No.29/2 till effecting final partition and for costs.

The 1st Plaintiff deposed as PW-1 and who Exhibited the Kist Receipt for fasali 1416 in favour of Marappa gounder as A-1, the Patta No.1423 has been exhibited as A-2, the registered Sale deed in Doc. No.2491/1988 of SRO Komarapalayam has been exhibited as A-3, the registered Sale deed in Doc. No.1391/1998 of SRO Komarapalayam has been exhibited as A-4, the registered Sale deed in Doc. No.470/2006 of SRO Komarapalayam has been exhibited as A-5, the registered Sale deed in Doc. No.471/2006 of SRO Komarapalayam has been exhibited as A-6, the registered in Sale deed Doc. No. 5172/2009 of SRO Komarapalayam has been exhibited as A-7, the house tax receipts (2 nos) in favour of Palaniappan have been exhibited as A-8, the electricity bill in favour of Palaniappan has been exhibited as A-9, the electricity bill in favour of Marappa gounder has been exhibited as A-10. The 4th Plaintiff is deposed as PW-2 and the 6th plaintiff has been deposed as PW-3, they have supported the evidence of PW-1 as well as the exhibits A-1 to A-10. There is no adverse evidence to negative the contention of plaintiff, hence the above evidence become unchallenged. Further, the Plaintiffs proved their case beyond reasonable doubt. Hence, this court is found justification to grand Decree in favour of the plaintiffs.

Finally, it is declared that the Plaintiffs are having equal share over the suit properties and they have eligibility for the mets and bounds partition and separate possession, a Preliminary Decree for partition is granted accordingly,

ii) It is declared that 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 and which is not binding upon the plaintiffs,

iii) The defendants 1 to 4 and their men and agents be and hereby restrained from alienating the suit property, a Permanent Injunction is granted accordingly,

iv) The 5th defendant is hereby restrained from registering a Sale Deed with regard to the suit property by the defendants 1 to 3, a Permanent Injunction is granted accordingly,

vi) The Defendants 1 to 4 shall bear the costs of plaintiffs.

Pronounced by me in open court, this the 23rd day of August 2018.

(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.