

IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICTPresent: Thiru. **M.Selvam, B.A., B.L.,**

District Munsif, Mettur

Tuesday, this the 15th day of July 2025**O.S. No. 215 of 2023**

(CNR No. TNSA17-000288-2023)

Samyannan

... Plaintiff

/Versus/

Madhu

... Defendant

This suit has been heard on 01.07.2025 in the presence of Mr. S.S. Sankar, B.Com., B.L., Learned counsel for the plaintiff. The defendant was set-exparte on 18.12.2024. Exparte enquiry heard and having stood over for my consideration till this day, this court delivered the following,

JUDGMENT

Suit for granting a decree of permanent injunction, restraining the defendant, his men, agents and servants from in any way interfering with the plaintiff's peaceful possession and enjoyment over the suit property and awarding costs of the suit.

1) Brief averments in the plaint is as follows:

1.1. There was one Nalla Gounder. He has got three sons by name Molayan @ Nallappan, Kandasamy and Pachamuthu. The wife of Nalla Gounder predeceased him. The suit properties and some other properties belonged to the said Nalla Gounder. The said Nalla Gounder died in the year 1938. After the death of Nalla Gounder, his three sons enjoyed the property in common. On 05.04.1945 the said Molayan @ Nallappan had executed a gift settlement in favour of his two brothers namely Kandasamy and Pachamuthu under Document No.605/1945 registered on the file of Sub Registrar of Mecheri. Even though the said Molayan @ Nallappan had executed a settlement deed in respect of his share in favour of his brothers over

the property, the suit property and other properties were managed only by the said Molayan @ Nallappan and had been in possession and enjoyment of the same.

1.2. The said Molayan @ Nallappan had died on 22.06.1958 leaving behind the plaintiff as his legal heir. The brother of Molayan @ Nallappan by name Kandasamy died on 16.03.1986 leaving behind the two daughters namely Chinnaponnu and Pappa. The another brother of Molayan @ Nallappan by name of Pachamuthu died on 29.12.1988 leaving being his only son by name Nallappan. On 07.03.2000 the legal heirs of Kandasamy namely Chinnaponnu and Pappa received a sum of Rs.5000/- each and the legal heirs of Pachamuthu namely Nallappan received a sum of Rs.10,000/- from the plaintiff and executed a Baga Kur Chit in favour of the plaintiff and they have left the native village and settled at M.Kallipatti and Kondalampatty respectively. Hence the plaintiff is the absolute owner of the suit property and other properties.

1.3. There are two asbestos roofed building and two thatched houses in the suit property. Out of two asbestos roofed building the plaintiff's father Molayan @ Nallappan installed Lord Murugan statue in one building for worshiping and did Pooja everyday. On the asbestos roofed building and two thatched houses, the plaintiff, his wife and children and his father were residing therein. After the death of plaintiff's father, the plaintiff has got right, title, interest and possession over the same. The plaintiff wants to demolish the two thatched houses and constructed a terraced house therein. Hence the plaintiff applied Prime Minister's Housing Scheme construction and the same was sanctioned on 05.02.2021 by Block Development Officer of Mecheri.

1.4. The plaintiff raised construction up to concrete stage. On 23.11.2023 the defendant came along with his supporters makes a false claim that he has got right in a portion of the suit property and objected for construction. But the timely intervention of his family members and friends the same was thwarted by the

plaintiff. Except the plaintiff the defendant has no right, interest and possession over the suit property. The defendant is giving out that he would again trespass into the suit property. The plaintiff has every reason to apprehend that the defendant would repeat his vandalism and stop construction of the house. However in view of the denial of title by the defendant and in view of the interference over the suit property by the defendant it has become necessary to file this suit for declaration and permanent injunction. Hence, this suit.

2) In this case, the defendant was set-exparte on 18.12.2024.

3) Exparte Evidence:

(i) To substantiate his claim, the plaintiff examined himself as PW1 and marked Ex.A1 to Ex.A8.

4) Points For Determination:

(i) Whether the plaintiff is entitled for the relief of permanent injunction as sought for in the plaint ?

5. In this instant case on hand, the plaintiff examined himself as PW1 and deposed the plaint averments. Ex.A1 to Ex.A8 were marked on the side of plaintiff. Ex.A1 is the registered Release deed dated 05.04.1945. On perusal of the same, it shows that one of the son of the Nalla Gounder namely Molayan @ Nallappan had executed a registered released deed in favour of his brothers Kandasamy and Pachamuthu by relinquishing his share in the suit property. Ex.A2 is the Baga Kur Chit dated 07.03.2000. On perusal of the same, it shows that on 07.03.2000 the legal heirs of deceased Kandasamy namely Chinnaponnu and Pappa had received a sum of Rs.5000/- each and the legal heirs of deceased Pachamuthu namely Nallappan received a sum of Rs.10,000/- from the plaintiff and executed a Baga Kur Chit in favour of the plaintiff in respect of the suit property and other properties in

S.No.294/2 and S.No.594/4. Ex.A3 is the house tax receipts in respect of the house building in the suit property stood in the name of plaintiff from 10.04.2002 to 30.11.2023. Ex. A4 is the EB receipt dated 21.02.2022 stood in the name of plaintiff. Ex.A5 is the EB card in the name of the plaintiff. Ex.A6 is the Aadhar card of the plaintiff. Ex.A7 is the Prime Minister scheme order dated 05.02.2021. Ex.A8 is the Photographs of the suit property.

6. The defendant was exparte on 18.12.2024 for his non-appearance and for non filing of written statement. The Ex.A1 to Ex.A8 clearly probalise the case of the plaintiff and his possession in the suit property. The defendant who was having the knowledge about this pending suit proceedings have failed to contest the same. The evidence adduced by the plaintiff is neither rebutted nor disproved on the side of the defendant. This court upon perusal of oral and documentary evidence produced by the plaintiff comes to the conclusion that the plaintiff had established his case. The plaintiff, who is in possession of the suit property is certainly entitled to protect his possession as against the defendant, who had not appeared before this court and established any kind of his rights over the suit property. Hence, this court considered that the plaintiff is entitled for the relief of permanent injunctions as sought for in the plaint.

In the result, this suit is decreed as follows:-

(i) The defendant, his men, agents and servants are hereby restrained by way of permanent injunction from in any way interfering with the plaintiff's peaceful possession and enjoyment in the suit property.

(ii) The defendant shall bear the cost of this suit.

This Judgment is dictated to the typist, typed by her, corrected and pronounced by me in open court on this 15th day of July 2025.

**Sd./-Thiru.M.Selvam,
District Munsif,
Mettur.**

Plaintiff side witness:

PW1 – Mr. Samyannan (plaintiff)

Plaintiff side exhibits:

Ex.A1	05.04.1945	Release deed in favour of Kandasamy and Pachamuthu	Certified Copy
Ex.A2	07.03.2000	Bagu Kur Chit in favour of the plaintiff	Original
Ex.A3	--	House tax receipts (20 Nos)	Original
Ex.A4	21.02.2022	EB receipt	Original
Ex.A5	--	EB card	Original
Ex.A6	--	Plaintiff's Aadhar card	Compared Copy
Ex.A7	05.02.2021	Prime Minister Scheme order	Photo Copy
Ex.A8	--	3 Photographs (3Nos)	Original

Defendant side witness and exhibits: Nil

**Sd./-Thiru.M.Selvam,
District Munsif,
Mettur.**