

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,  
THANJAVUR.**

**Present : Thiru.P. Nagarajan, M.A.M.L.,  
II Additional District & Sessions Judge, Thanjavur.**

**Friday the 24th day of April 2026**

(Thiruvalluvar Andu 2057 - Chithirai Matham 11th day)

**Original Suit No. 13/2025**

**CNR.No.TNTJ-0100038922025**

Padmini  
represented by it Special Power Agent  
G. Vijayabaskar

... Plaintiff

vs

S. Venkatesan

...Defendant

This suit was taken on file on 08.01.2025 in the Principal District Court, Thanjavur and made over to this court on 10.01.2025. In this court this suit came up for final hearing before me on 16.04.2026 in the presence of Thiru. **A. Nalladurai**, Advocate for the Plaintiff and of Thiru.K.Subramanian, Advocate for the defendant and upon hearing the arguments of both sides, upon perusal of the material records to the case and the matter having stood over for consideration till this date, this court delivered the following

**JUDGMENT**

This suit has been filed by the plaintiff against the defendant for the relief of

declaration that the Suit 'A' Schedule property belongs to the Plaintiff and that the Plaintiff holds absolute title thereto; and, as a consequential relief, seeking the grant of a permanent injunction restraining the Defendant or anyone person on his behalf from causing any manner of interference with the Plaintiff's peaceful possession and enjoyment of the said 'A' Schedule property and for the relief of declaration that the Suit 'B' Schedule property belongs to the Plaintiff and that the Plaintiff is the absolute title thereto; and, as a consequential relief a direction to the Defendant to remove all encroachments made on the said property including a compound wall constructed thereon within a time frame to be stipulated by the Court, and to hand over vacant possession of the property to the Plaintiff; and further, seeking an appropriate order enabling the Plaintiff to recover possession of the said property through Court proceedings in the event of the Defendant's failure to comply with the aforesaid direction and with cost of the suit.

**2) The Gist of the plaint filed by the plaintiff:**

The suit property is a vacant plot situated within the Bank Employees Colony Extension in Nanjikottai Village, Thanjavur Taluk; it comprises the land originally designated under Old Survey Nos. 60/5A and 60/5B now falling under Current Survey Nos. 60/5A1B and 60/5B2, respectively and has a total extent of 2,978 square feet (comprising 2,948 square feet and 480 square feet), Plot No. 3 which is included in Lists 'A' and 'B' of the suit properties was purchased by the Plaintiff for valid consideration on 05.03.2007, through a registered Sale Deed executed by Krishnaramanujam, the General Power of Attorney holder of Govindarajan.

Subsequent to the sale, the revenue records pertaining to the suit property were transferred to the Plaintiff's name, and a separate Patta was issued. The property in dispute—originally comprised within Old Survey No. 60/5 was, in its inception, the ancestral property of Arokiyarnary, the wife of Innasimuthu of Mathakottai, Nanjikottai Taluk. Subsequently, on 27.11.1945, this property along with certain other properties was conveyed via a registered Sale Deed by Arokiyarnary to Ranjitharnary, the wife of Samimuthu, a resident of the same village. Thereafter, on 06.10.1947, the property acquired by the aforementioned Ranjitharnary was conveyed via a registered Sale Deed to Koothamal, the wife of Subbiah, a resident of Pookkara Vastha Street, Thanjavur Town. While Koothamal and her heirs were in joint possession and enjoyment of the said acquired property, Koothamal passed away on 16.05.1980, without having executed any testamentary or other disposition regarding these properties. Following her demise, her heirs continued to enjoy the properties jointly; subsequently, on 21.08.1995, they conveyed via a registered Sale Deed an extent of 26,483  $\frac{5}{8}$  square feet comprised within the disputed Survey No. 60/5A and an extent of 1,710 square feet also comprised within Survey No. 60/5A to Govindarajan, the son of Palanisamy, a resident of Thiruvaiyaru. The property in dispute originally comprised within Old Survey No. 60/5 was, in its inception, the ancestral property of Arokiyarnary, the wife of Innasimuthu of Mathakottai, Nanjikottai Taluk. Subsequently, on 27.11.1945, this property along with certain other properties was conveyed via a registered Sale Deed by Arokiyarnary to Ranjitharnary, the wife of Samimuthu, a resident of the same village. Thereafter, on October 6, 1947, the

property acquired by the aforementioned Ranjithamary was conveyed via a registered Sale Deed to Koothamal, the wife of Subbiah, a resident of Pookkara Vastha Street, Thanjavur Town. While Koothamal and her heirs were in joint possession and enjoyment of the said acquired property, Koothamal passed away on 16.05.1980, without having executed any testamentary or other disposition regarding these properties. Following her demise, her heirs continued to enjoy the properties jointly; subsequently, on 21.08.1995, they conveyed via a registered Sale Deed an extent of 26,483 5/8 square feet comprised within the disputed Survey No. 60/5A and an extent of 1,710 square feet also comprised within Survey No. 60/5A to Govindarajan, the son of Palanisamy, a resident of Thiruvaiyaru. Subsequently, following the subdivision of Survey Field Nos. 60/5A part and 60/5B, due approval was granted pursuant to a resolution passed by the Nanjikottai Panchayat on 27.01.1979 for the establishment of a housing layout under the name "Bank Employees Colony Extension." From among the plots demarcated within the aforesaid approved layout, the plaintiff has acquired Plot No.3 by way of sale deed, this plot encompasses the properties listed in Schedules 'A' and 'B' of the suit. Regarding the plots situated within the aforementioned Bank Employees' Colony extension which are owned by third parties other than the plaintiff the defendant and certain other individuals attempted to unlawfully encroach upon them. Consequently, the owners of these properties who are not the plaintiff in this case lodged a complaint with the police against the defendant and his associates. Based on the action taken by the police pursuant to this complaint, an order was issued on 28.12.2013, affirming that the

property owners themselves were the rightful possessors of the respective properties. Subsequent to this order, the defendant filed Original Suit No. 131/2015. In that suit, the defendant claimed to have acquired Plot No. 22 situated within a layout known as "Ceylon Colony" formed by amalgamating the old Survey Nos. 60/3 and 60/5 into the current Survey No. 60/17 by way of purchase. Alleging that the plaintiff herein, along with ten other individuals, was disputing his title to the said property, the defendant sought a declaratory decree, consequently, an order was issued in favor of the defendant on 18.11.2024. Relying upon this favorable order, the defendant proceeded to deny the plaintiff's fundamental title to the property and attempted to encroach upon it, furthermore, having gone so far as to construct a compound wall around the property, the defendant has now been made the subject of the present suit instituted by the plaintiff. Judgment should be rendered in accordance with the claims set forth in this suit.

(3) Gist of written statement filed by the defendant:

The averments stated in the plaint are all false, except those that are deemed fit in the circumstances of the case. Earlier this defendant filed a suit in OS.131/2015 in Survey No.60/5part new survey No.60/17 located in Ceylone colony in Madhakottai village at Plot No.22 against the Jeevanandham and 11 others. In the above suit a common written statement was filed by the defendant No.8 which was adopted by other defendants including the 12 the defendant plaintiff herein, the suit after full trial was decreed in favour of the defendant. All the defendants in OS.131/2015 including this plaintiff in this suit have preferred appeal before the High Court, Madurai Bench.

This plaintiff herein is the 8<sup>th</sup> appellant, it is an abuse of process of court to re agitate the matter again before this court in this suit. The plaint in this suit has been so cleverly drafted so as to mislead the court and the defendant herein as though this suit has nothing to do with the earlier suit in OS.131/2015 decreed in his favour. Hence pray to dismiss the suit with cost.

**(4) In this suit, the following issues were framed on 18.12.2023**

- 1) Whether the plaintiff is the owner of A,B schedule of property as claimed in the plaint?
- 2) Whether the plaintiff in possession of suit A schedule of property?
- 3) Whether the plaintiff is entitled for declare the A, B schedule ownership?
- 4) Whether the plaintiff is entitled for continues relief of permanent injunction as not to disturb for A schedule property?
- 5) Whether the plaintiff is entitled for recovery of vacant posse;ssion of B schedule property as claimed?
- 6) To what other relief?

(5) In this suit, on the plaintiff's side, the special power agent of plaintiff Vijayabaskar was examined as PW.1. Ex.A1 to Ex.A.17 were marked through PW.1. On the defendant, defendant himself examined as DW.1. No documents was marked.

(6) The learned counsel for plaintiff submitted that the suit property by registered sale deed and who is an enjoyment of the suit property. The suit a schedule property is the entire property of plaintiff who purchased B schedule is

the part of A schedule for the purpose of the suit demarked with B schedule. On the side of the plaintiff power agent Vijaya Baskar as examined PW.1. He categorically stated in his evidence that purchase of the suit property and also enjoyment and revenue records in the suit and the suit OS.No.131/2015 filed by the present defendant against 12 defendants and as present defendant as defendant against 12 in the present plaintiff is one of the defendant an appeal against the OS.131/2015 pending before the Hon'ble High Court. The present plaintiff filed the suit for his property alone not the suit property of OS.131/2015. Hence it is not west substance of res judicata will not applicable to this case after pending of the OS.No.131/2015. The defendant encroached upon the suit property of plaintiff B schedule. Hence the plaintiff prayed this court for declaring owner ship of A and B schedule of property and also permanent injunction of A schedule property and also further prayed this court for recovery of possession of B schedule property from the defendant, prayed for allowing the suit.

(7) But in contra, the the learned counsel for defendant submitted that the present plaintiff filed appeal before the Hon'ble Court and also present original suit against decree and judgment of the OS.131/2015 and no fresh suit can be filed for the relief of same in OS.No.131/2015. The suit properties are one and the same and consequently this is barred under section 11 of CPC. Moreover the plaintiff in this suit along with others have challenged the decree and judgment in OS.131/2015 before the High court which is pending. The present suit OS.13/2015 is nothing but a re litigation of the earlier suit in OS.131/2015 and

such re litigation is an abuse of process of court and the earlier suit between the same parties. The issues relating to the title and possession of the suit property in OS.131/2015 was categorically found infavour of this defendant and that the earlier suit has been wrongly decided infavour of this defendant, when an appeal preferred is pending. This defendant has stated that this court has already decreed the earlier suit OS.131/2015 infavour of this defendant, the plaintiff has not taken any steps to correlate the suit property in this suit to find out, whether the suit property in OS.131/2015 and in this suit are one and the same are different or overlap each other. All the averments made in the plaint in this suit in support of the plaintiff's case as regards the title and possession are to be canvassed in the appeal preferred before the Hon'ble High court of Madurai Bench, She is barred from raising such a plead again in the suit. After trial of the OS.No.131/2015 and after appealing the plaintiff filed this original suit which is barred under section 11 of CPC, there is no A and B schedule property as stated in the plaint. The plaintiff is not proved the possession and enjoyment of the suit property. In OS.No.422/2007 the present defendant is not a party. The plaintiff not proved the encroachment of the defendant and hence the plaintiff is not entitled to get for any relief prayed for dismissal.

(8) Issue No.1 to 5: Whether the plaintiff is the owner of A,B schedule of property as claimed in the plaint?, 2) Whether the plaintiff in possession of suit A schedule of property?, 3) Whether the plaintiff is entitled for declare the A, B schedule ownership?,4) Whether the plaintiff is entitled for continues relief of

permanent injunction as not to disturb for A schedule property?, 5) Whether the plaintiff is entitled for recovery of vacant possession of B schedule property as claimed?. On the side of the plaintiff, power agent of the plaintiff Vijaya Baskaran examined as PW.1. In his evidence he categorically stated that the plaintiff is the owner of the A schedule property and also owned the B schedule property which is situated in Bank Staff Colony. The plaintiff purchased the property on 05.03.2007 site No.3. The revenue records are mutated properly in the name of plaintiff. The ancestral of the property is proper for that document also filed on the side of the plaintiff is marked. The earlier suit OS.131/2015 was conducted by power agent for the defendant. It was decreed in favour of the defendant. The defendant purchased the property in Ceylone colony the defendant property is not in proper and the purchase also is a question and the defendant encroached upon the B schedule property which is not belongs to him. The facts containing written statement also denied and false one. The plaintiff is entitled for Plot No.3 prayed for allowing the suit. But in his cross examination he admitted above the OS.No.131/2015 surveyor was visited the property and measured in OS.422/2007 the defendant is not a party of appeal against OS.131/2015 the suit is filed. The judgment in OS.131/2015 will bind upon the suit is the evidence of PW.1.

(9) On the side of defendant, DW.1 in his evidence he categorically stated that he purchased the property in site No.22 S.F.No.60/17 and survey No.60/5 brought upon the sub division at Ceylone colony. The contents of the plaint is false one. OS.No.131/2015 filed by the present defendant as plaintiff was

categorically examined after full trial it was decreed in favour of present defendant against which in appeal AS.160/2025 filed and pending. After full trial OS.131/2015 decreed in favour of the defendant the subject matter and relief claim in AS./160/2025 and present suit is one and the same principle of resjudicata will applicable. The present suit is abused in process of law and prayed for dismiss the suit.

(10) In his cross examination he stated that this property in S.F.No.22 SF 60/2017 S.F.60/5 part upon the sub division enquiry re-numbered as 60/2017 being A and B schedule property as stated in that plaint. The plaintiff is encroached with site NO.3 and no B schedule property encroachment was not pleaded and proved before this court as there is no encroachment prayed for dismissing the suit.

(11) On the side of the plaintiff Ex.A1 to A17 were marked. Ex.A1, A2, A3, A4, A5 are all the ancestral documents and purchase of the plaintiff. Ex.A6, A7, A8, A9 are all document regarding the revenue mutation and sub division, Ex.A10 is the judgment in OS.422/2007 by District Munsif court, Thanjavur on which either the plaintiff or the defendant is not a party in this suit. Ex.A11 is copy of commissioner report in OS.131/2015., Ex.A12 is the the copy of judgment in OS.131/2015, Ex.A13 is the certified copy of 1975 documents, Ex.A14 is the certified copy of 1991 documents, Ex.A15 is the certified copy of sale deed in the name of defendant. Ex.A16 is the encumbrance certificate and Ex.A17 is the correction deed in the property of defendant.

(12) From the above documents it is clear that the plaintiff is the owner of the suit property who purchased the suit property from the proper person and enjoyed the suit property. The defendant also accepted the plaintiff's purchase. From the evidence and documents it is clear that A schedule property of the suit is owned by the plaintiff and enjoyed by the plaintiff. To safeguard to protect the interest of the plaintiff it is just and necessary to grant continuous relief of permanent injunction as he claimed without protection and enjoyment of the plaintiff may be disturbed. Hence the plaintiff is entitled for declaration that who is owner of the A and B schedule property. Whether the plaintiff is entitled to recovery of possession in B schedule of property is the next question to be decided. On the side of the plaintiff it was claimed that the property was encroached by the defendant in the pleadings and in his evidence simply without executed the deed of plaintiff without stating the exact date of encroachment and further action of the plaintiff upon the encroachment. There is no document to show about the encroachment and the action taken by the plaintiff. Hence from the evidence and documents encroachment upon the B schedule property by the defendant was simply pleaded not proved no document was filed no oral evidence was brought before this court. From the above discussion it is found that the encroachment of the defendant is simply stated not supported by any evidence of oral and documents. Hence there is no encroachment and the encroachment if any as also not proved before this court. From the above discussion it is the answer for that the plaintiff is owner of the A and B schedule of property and the plaintiff is

owner of the A schedule of the property and entitled for A and B schedule property and also in continuation the plaintiff is entitled for permanent injunction against defendant regarding A schedule of property. But with regard to the recovery of schedule for the possession of A and B schedule property as claimed was not proved before this court except simply pleaded as well as it cannot be granted.

(13) **Issue No.6**: Already in the suit from the above issue No.1 to 5 proper and necessary answers are decided from the evidence and documents. Hence there is no other relief available to the plaintiff.

In final the suit is partly decreed and partly dismissed without costs.

This Judgment is dictated to Steno-typist by me, transcribed by her in computer, corrected and pronounced by me in the open court, this the 24th day of April 2026.

**II Additional District and Sessions Judge,  
Thanjavur.**

**Plaintiff's side Witness:**

PW.1	Vijayabaskar (Special Power Agent of Plaintiff)
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**Plaintiffs' side Exhibits**

Ex.A1	27.11.1945	Copy of sale deed executed by Ranjithamariyammal in favour of Arokiamariyammal
Ex.A2	06.10.1947	Copy of sale deed executed by Ranjithamariyammal in favour of Koothammal
Ex.A3	21.08.1995	Copy of sale deed executed by the legal heirs of Koothammal in favour of Govindarajan
Ex.A4	28.04.2003	Copy of general power of attorney in the name of

		Krishnaramanujam
Ex.A5	05.02.2007	Copy of sale deed in favour of plaintiff
Ex.A6	06.02.2012	Copy of computerised joint patta in the name of plaintiff
Ex.A7	12.12.2018	Copy of computerised patta in the name of plaintiff
Ex.A8	---	Copy of plan in survey No.60/5A Part, 5B at Nanchikottai
Ex.A9	28.12.2023	Copy of proceedings of the Thanjavur Revenue Divisional Officer
Ex.A10	04.11.2008	Copy of judgement in OS.422/2007
Ex.A11	--	Copy of commissioner and surveyor report
Ex.A12	18.,11.2024	Copy of judgement in OS.131/2015
Ex.A13	18.06.1975	Copy of sale deed executed by Viyakulamariyammal in favour of Anthonysamy
Ex.A14	08.11.1991	Copy of sale deed executed by Govindarasu in favour of Manoharan
Ex.A15	30.07.2012	Copy of sale deed executed by Manoharan in favour of defendant
Ex.A16	--	Copy of encumbrance certificate
Ex.A17	26.08.2015	Copy of correction deed written by N. Manoharan

**Defendants' side Witnesses:**

DW.1 S. Venkatesan (defendant)

Defendant side document: Nil

**II Additional District and Sessions Judge,  
Thanjavur.**

Draft/Fair judgement  
in OS.13/2025  
Dated:24.04.2026