

**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.**

Saturday the 18th day of April 2026
(Thiruvalluvar Andu 2057 - Panguni Matham 27th day)

Original Suit No.165/2024
CNR.No.TNTJ-01007167-2024

T. Ravichandran ... Plaintiff

vs

1.T. Rajakumar
2.A. Malathi
3.P. Malarvizhi
4.T. Dharmadevi
5.Maheswaran
6.Umadevi ...Defendants

This suit was taken on file on 05.07.2024 in the Principal District Court, Thanjavur and made over to this court on 10.07.2024. In this court this suit came up for final hearing before me on **25.03.2026** in the presence of Thiru. **R. Udayakumar**, Advocate for the Plaintiff and of Thiru.**S. Sathiyamoorthy**, Advocate for the 1st defendant, Thiru.G. Sudhakar, Advocate for 2 to 4 defendants and Ms.Nalini, Advocate for 5th and 6th defendants and upon hearing the arguments of both sides, upon perusal of the material records pertaining 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 to pass a preliminary decree for

partition in favour of the plaintiff against the defendants allotting 1/5 share in the suit properties to plaintiff by metes and bounds for convenient enjoyment of the suit property to plaintiff and to pass a final decree in terms of preliminary decree and for costs of the suit.

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

The suit property which are plot in a layout formed by plaintiff father by name Thirumeni in his name as Thirumeni Nagar and Thirumeni Nagar Extension. The suit property was acquired by plaintiff father from his mother Dhanapakiyathammal. The plaintiff grandmother Dhanapakiyathammal purchased the suit property under a registered sale deed dated:12.05.1977. Where after the the plaintiff grandmother Dhanapakiyathammal was in possession and enjoyment of the suit property. The said Dhanapakiyathammal was married to one Veeraiyan. The said Dhanapakiyathammal and Veeraiyan had omne son by bame Thirumeni the father of plaintiff and defendants 1 to 3. The plaintiff grandmother Dhanapakiyathammal died intestate on 14.04.1997 leaving her only son the above said Thirumeni had inherited the property of her mother Dhanapakiyathammalby operation lf law after the death of Dhanapakiyathammal who died intestate on 14.04.1997. Thereafter the plaintiff father Thirumeni had become absolute owner of the suit property. The plaintiff is the eldest son of Thirumeni. The 1st defendant is the youngest son and 2 and 3 defendants are daughter of Thirumeni. The plaintiff father had partitioned the suit property which is formed as layout by giving share to his two sons and two daughters through settlement deed executed by Thirumeni in favour of plaintiff and

his daughters. Since the suit property is the ancestral property of plaintiff's father had partitioned the suit property and allotted share to the plaintiff and defendants by executing settlement deeds in their favour and the remaining property was kept with him as his share which is the suit property herein in the suit. The plaintiff's father was working in the police department and he voluntarily retired from service in the year 1990. The plaintiff's father had executed a settlement deed dated:19.11.2010 in favour of plaintiff where under the plaintiff's father has given 19 plots in the said layout formed by him in his name as Thirumeni Nagar Extension to plaintiff. Thereafter the plaintiff's father executed one another settlement deed dated:01.12.2010 bequeathing two plots to plaintiff. In further the plaintiff's father had executed one another settlement deed dated:19.11.2010 bequeathing share to first defendant given 26 plots in the description of property in the said settlement deed dated.19.11.2010. The property which was given by plaintiff's father to first defendant under the said registered settlement deed is the share of 1st defendant. The plaintiff's father has got every right to give share to his sons and daughters by way of settlement deeds. Since the plaintiff's father felt that the share given to plaintiff is not equal to first defendant the plaintiff's father had executed another settlement deed dated:01.12.2010 where under the plaintiff's father has given plot No.22 & 23 to plaintiff. The plaintiff's father had given share to his daughter by name Malathi the second defendant under a registered settlement deed dated:09.05.2007 where under the plaintiff's father had given share to second defendant under this settlement deed which also came in to effect immediately after its registration. The plaintiff's father had given share to 3rd

defendant in his property under a registered settlement deed dated:09.05.2007. The plaintiffs and defendants have not disputed the share allotted by their father to them and both were admitted the share allotted to them by their father under the above said registered settlement deeds. The plaintiff father was died on 26.05.2023 leaving the plaintiff and defendants as his legal heir to inherit his properties. The plaintiff father was with the plaintiff until 2017 and it is only the plaintiff who has taken care of his father and mother. In the year of 2017 when the plaintiff father Thirumeni was residing with the plaintiff and plaintiff was not in his house in the month of May 2017, the 1st defendant forcefully brought his father from the house of plaintiff to his house. After that the plaintiff father was with the 1st defendant and he was not allowed to move out of his house. Whereby the plaintiffs father was confined to 1st defendant house and nobody was allowed to see plaintiff father. So the plaintiff father was under the control of 1st defendant and his family after that he was affected with several illness. The plaintiff father was not able to move freely 2 years before his death. The plaintiff father is alleged to have executed a will dated:08.02.2019 in favour of his grandson Maheshwaran the son of 1st defendant. The said will dated:08.02.2019 was registered as document No.8/2019 before the Sub Registrar, Maharnonbuchavadi, Thanjavur. The plaintiff father executed the said will is not free from coercion and undue influence of 1st defendant. Therefore the 1st defendant exerted coercion and undue influence in the month of February 2019 upon his father Thirumeni and made him to execute the will dated:08.02.2019 in favour of his son Maheswaran. The will is not handwritten either by Thirumeni or by any scribe. The

will would written by a scribe on the direction of testators in the presence of attestors but in this case the will was typed in the Computer typing machine and prepared computerly. Therefore the will was not prepared on the direction of plaintiff father Thirumeni. The plaintiff father was having two close friends by name Govindaraj and Kesavan with them the plaintiff father would discuss his life and his peace of mind and where he told his above said two friends that he was not given proper care by the 1st defendant and he also told them that the 1st defendant had obtained signature in a document by threatening him. Therefore he has no other way except to sign in those documents as directed by the 1st defendant. The plaintiff father died on 26.05.2023 leaving plaintiff and defendants as his legal heirs. The will dated:08.02.2019 alleged to have been executed by Thirumeni is surrounded by suspicious in the execution of the will and it is also the result of coercion and undue influence. Hence the will dated 08.02.2019 executed by plaintiff father is void and it is also void abinitio. Hence the plaintiff is entitled to share in the properties as mentioned in the will dated 08.02.2019 which is said to be common properties of deceased Thirumeni joint family. After that the 1st defendant is acting against the interest of the plaintiff and defendants whereby the first defendant son has now executed a settlement deed dated.6.6.2024 in favour of his mother Umadevi as found in the encumbrance certificate filed along with the plaint. The said Umadevi cannot derive any right and title in the property which was bequested to her by her son under the registered settlement deed dated 6.6.2024 as it is joint family property of plaintiff and defendant father Thirumeni who is said to have died intestate

whereupon the property would devolve upon plaintiff and defendants 1 to 4 class I legal heir to Thirumeni. Therefore the plaintiff father Thirumeni has died intestate leaving plaintiff and defendants 1 to 4 as his legal heir who are entitled to equal share in the suit properties. The plaintiff and 1 to 3 defendants are in joint possession and enjoyment of the suit properties. Hence the suit for partition against the defendants.

(3) Gist of written statement filed by the 1st defendant:

The averments stated in the plaint are all false, except those that are deemed fit in the circumstances of the case. The Will executed on 08.02.2019 is a registered testamentary document. Based on the benevolent intention of Thirumeni specifically, his personal desire to bequeath a plot of land to his grandson, the 5th Defendant Thirumeni executed and registered said Will in favour of his grandson, the 5th Defendant, and subsequently handed over possession of the property. Consequently, upon the demise of the Plaintiff's father, Thirumeni, on 26.05.2023, the aforementioned Will came into legal effect. The Plaintiff, having full knowledge of all the aforementioned details, has now instituted this suit asserting that, pursuant to the Will executed in favour of the 5th Defendant, he (the Plaintiff) is entitled to a 1/5th share in the said property, such a claim is legally untenable. Furthermore, the 5 plots of land forming the subject matter of this suit have since been conveyed by the 5th Defendant to his mother the 6th Defendant via a registered Settlement Deed, based on this transfer of title and possession, the revenue records pertaining to the properties have been mutated in the name of the 6th Defendant, and the properties currently remain under her possession and enjoyment. Therefore, the relief of

partition sought by the Plaintiff is not legally available to him. Consequently, the suit ought to be dismissed with costs.

(4) Gist of written statement filed by the 2nd defendant and adopted by the 3 and 4 defendants:

The averments stated in the plaint are all false, except those that are deemed fit in the circumstances of the case. It is contended that on 05.04.2021, the Plaintiff executed an affidavit in favor of his father, wherein he acknowledged that his late father, Mr. Thirumeni, had already conveyed property to him in 2010 via a settlement deed; specifically, he acknowledged that his father had transferred the residential house currently occupied by the Plaintiff into his name through a settlement deed, and that his father had distributed the assets equally among his heirs. Furthermore, having executed said affidavit thereby expressly agreeing that he would claim no future right, title, or share in any assets of his father that remained unsold the Plaintiff's current prayer to set aside the Will executed by his father, Mr. Thirumeni (the 1st Defendant) in favor of his sisters and his brother's son (the 5th Defendant), is legally untenable and constitutes an attempt to seize the property. Consequently, it is submitted that the partition sought by the Plaintiff in respect of the disputed property is not legally grantable, and therefore, the Plaintiff's suit ought to be dismissed with costs.

(5) Gist of written statement filed by the 5th defendant and adopted by the 6th defendant:

The averments stated in the plaint are all false, except those that are deemed fit

in the circumstances of the case. The averments stated in the plaint are all false, except those that are deemed fit in the circumstances of the case. The Will executed on 08.02.2019 is a registered testamentary document. Based on the benevolent intention of Thirumeni specifically, his personal desire to bequeath a plot of land to his grandson, the 5th Defendant Thirumeni executed and registered said Will in favour of his grandson, the 5th Defendant, and subsequently handed over possession of the property. Consequently, upon the demise of the Plaintiff's father, Thirumeni, on 26.05.2023, the aforementioned Will came into legal effect. The Plaintiff, having full knowledge of all the aforementioned details, has now instituted this suit asserting that, pursuant to the Will executed in favour of the 5th Defendant, he (the Plaintiff) is entitled to a 1/5th share in the said property, such a claim is legally untenable. Furthermore, the 5 plots of land forming the subject matter of this suit have since been conveyed by the 5th Defendant to his mother the 6th Defendant via a registered Settlement Deed, based on this transfer of title and possession, the revenue records pertaining to the properties have been mutated in the name of the 6th Defendant, and the properties currently remain under her possession and enjoyment. Therefore, the relief of partition sought by the Plaintiff is not legally available to him. Consequently, the suit ought to be dismissed with costs.

(6) In this suit, the following issues were framed on 17.07.2025

- 1) Whether the suit properties are joint family property?
- 2) Whether the plaintiff is entitled for 1/5 share in the suit property?
- 3) To what other relief?

(7) In this suit, on the plaintiff's side the plaintiff was examined as PW.1 and Ex.A1 to Ex.A.12 were marked. On the defendants side 1st defendant Rajkumar examined as D.W.1, 4th defendant Dharmadevi was examined as DW.2, 5th defendant Maheswaran examined as DW.3 and one Muthumurugan examined as DW.4 and Ex.B1 and B2 marked through DW.1 and Ex.B3 and B4 marked through DW.3.

(8) The learned counsel for plaintiff submitted that The plaintiff is the eldest son of Thirumeni. The 1st defendant is the youngest son and 2 and 3 defendants are daughter of Thirumeni. The plaintiff father had partitioned the suit property which is formed as layout by giving share to his two sons and two daughters through settlement deed executed by Thirumeni in favour of plaintiff and his daughters. Since the suit property is the ancestral property of plaintiffs father had partitioned the suit property and allotted share to the plaintiff and defendants by executing settlement deeds in their favour and the remaining property was kept with him as his ahre which is the suit property herein in the suit. Further submitted that in the year of 2017 when the plaintiff father Thirumeni was residing with the plaintiff and plaintiff was not in his house in the month of May 2017, the 1st defendant forcefully brought his father from the house of plaintiff to his house. After that he was affected with several illness. The plaintiff father was not able to move freely 2 years before his death. The plaintiff father is alleged to have executed a will dated:08.02.2019 in favour of his grandson Maheshwaran the son of 1st defendant. The said will dated:08.02.2019 was registered as document

No.8/2019 before the Sub Registrar, Maharnonbuchavadi, Thanjavur. The plaintiff father executed the said will is not free from coercion and undue influence of 1st defendant. Therefore the 1st defendant exerted coercion and undue influence in the month of February 2019 upon his father Thirumeni and made him to execute the will dated:08.02.2019 in favour of his son Maheswaran. The will is not handwritten either by Thirumeni or by any scribe. The will would written by a scribe on the direction of testators in the presence of attestors but in this case the will was typed in the Computer typing machine and prepared computerly. Therefore the will was not prepared on the direction of plaintiff father Thirumeni. Therefore he has no other way except to sign in those documents as directed by the 1st defendant. Hence the will dated 08.02.2019 executed by plaintiff father is void and it is also void abinitio. Hence the plaintiff is entitled to share in the properties as mentioned in the will dated 08.02.2019 which is said to be common properties of deceased Thirumeni joint family. Hence pray to allowing the suit with costs.

(9) The learned counsels for defendants submitted that the Will executed on 08.02.2019 is a registered testamentary document. Based on the benevolent intention of Thirumeni specifically, his personal desire to bequeath a plot of land to his grandson, the 5th Defendant Thirumeni executed and registered said Will in favour of his grandson, the 5th Defendant, and subsequently handed over possession of the property. Consequently, upon the demise of the Plaintiff's father, Thirumeni, on 265t.05.2023, the aforementioned Will came into legal effect. The

Plaintiff, having full knowledge of all the aforementioned details, has now instituted this suit asserting that, pursuant to the Will executed in favour of the 5th Defendant, he (the Plaintiff) is entitled to a 1/5th share in the said property, such a claim is legally untenable. partition sought by the Plaintiff in respect of the disputed property is not legally grantable, and therefore, the Plaintiff's suit ought to be dismissed with costs.

(10) Issue No.1 and 2 :

The plaintiff himself examined on his side and deposed that the suit property is joint family property. The will executed by his father is not property prayed for 1/5th share in the suit property as legal heirship. The will executed by his father is not proper one. It is created by the 1st defendant by utilizing his opportunity against him. Admittedly the defendant side submitted that the plaintiff is the elder brother. The 1st defendant is the younger brother. The 2 and 3 are the daughters, 4th defendant is the wife, 5th defendant is the son of 1st defendant and 6th defendant is the wife of 1st defendant. It was admitted by both side father of the plaintiff and the defendant 1 to 3 executed settlement deed upon each one regarding issuing the plots in lay out formed by deceased Thirumeni. After settlement deed in favour of the plaintiff, D1 to D3 the deceased Thirumeni not get the suit property for his own purpose but the plaintiffs claimed that the suit property is the joint family property purchased out of the income of the joint family property ever the father of plaintiff and D1 to D3 settled upon that the property allotted by the Thirumeni for himself also liable to be divided.

Hence the plaintiff filed the suit from the averments of the defendant it is found that even after execution of settlement deed the deceased Thirumeni alived for several years and upon his own wish he executed will in favour of the 5th defendant which was executed by the 4th defendant and the deceased on the occasion of birth day of 5th defendant. The registered will was produced before this court all settlement deeds are filed before this court. From the filed registered documents it is found that the said Thirumeni being the government servant as police and his signature found in the will was not disputed. Creation of will is suspicious is the main question. Hence plaintiff is prayed for partition in the suit property.

(11) From the available documents it is found that the suit property is the property of Thirumeni. He left the property for his beneficial for the allotting settlement for 2 sons 2 daughters (i.e.,) the plaintiff and defendant 1 to 3. All the documents contented the signature of the Thirumeni and the will also filed before this court and verified in which also signature of the Thirumeni found out. From the simple nakade eye there is no difference in the signature of Thirumeni. The dispute of the will also examined in the court about the will of Thirumeni and his signature. From the evidence of defendant it is categorically proved before this court beyond any doubt that the will was executed by the Thirumeni in favour of the 5th defendant. Hence the will is proved, the claim of plaintiff is negatived even though the property is family property. Even though the property is claimed as family property. Categorically questions are raised in the court while examining

the witnesses by both side about the nature of property. But from the evidence it is found that Thirumeni purchased the property formed the layout allotted the site to legal heirs by himself and executed the settlement deed and also will. The settlement deeds are accepted by both side. The will is accepted on the side of the defendants, but the plaintiff claimed that there is suspicious upon the will Ex.A12 Witness to the will examined in the court. He categorically deposed and helped. This court find out the nature of will. From the evidence the execution of will in favour of the 5th defendant by the deceased Thirumeni. From the above discussion it is found that the plaintiff and defendant 1 to 3 are legal heirs of deceased Thiremeni and the 4th defendant being the mother. The deceased Thirumeni himself created settlement deed upon the legal heirs in 9.5.2007 vide document No.Ex.A4, A5, A6 on 08.02.2019. The said will was executed after lapse of 9 years. The evidence of defendant side categorically proved the resistance of Ex.A12 will being the Testator deceased Thirumeni the grant son D5 is entitled to the properties. In turn the D5 also executed settlement deed in favour of his mother her beneficial. The will is proved beyond the doubt. Hence the claim made by the plaintiff for partition is denied. Hence the issues are answered negatively.

(12) Issue No.3- Necessary relief was granted in the issue No.1 and 2. Hence there is no other relief to the plaintiff.

In final the suit is dismissed without cost because the parties are the family members of deceased Thirumeni.

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 18th day of April 2026.

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

Plaintiff's side Witness:

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| PW.1 | Ravichandran (plaintiff) |
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Plaintiffs' side Exhibits

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| Ex.A1 | 12.05.1977 | Download copy of sale deed in the name of Dhanapakkiathammal |
| Ex.A2 | 19.11.2010 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of plaintiff |
| Ex.A3 | 01.12.2010 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of plaintiff |
| Ex.A4 | 19.11.2010 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of 1 st defendant |
| Ex.A5 | 09.05.2007 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of 2 nd defendant |
| Ex.A6 | 09.05.2007 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of 2 nd defendant |
| Ex.A7 | 14.04.1997 | Copy of death certificate of Dhanapakkiathammal |
| Ex.A8 | 03.09.1997 | Copy of legal heir certificate of Dhanapakkiathammal |
| Ex.A9 | 26.05.2023 | Copy of death certificate of Thirumeni |
| Ex.A10 | 06.06.2024 | Download copy of settlement deed executed by 5 th defendant in favour of 6 th defendant |

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| Ex.A11 | 10.06.2024 | Download copy of Encumbrance certificate |
| Ex.A12 | 08.02.2019 | Download copy of Will executed by Thirumeni in favour of 5 th defendant Maheshwaran |

Defendants' side Witnesses: Nil

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| DW.1 | Rajkumar (1 st defendant) |
| DW.2 | Dharmadevi (4 th defendant) |
| DW.3 | Maheshwaran (5 th defendant) |
| DW.4 | MuthuMurugan |

Defendants' side Exhibits:

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|--------|------------|---|
| Ex.B.1 | 19.11.2010 | Download copy of settlement deed executed by plaintiffs father Thirumeni in favour of 1 st defendant |
| Ex.B2 | 14.11.2025 | Down load copy of patta transfer order |
| Ex.B3 | 08.02.2019 | Download copy of Will executed by Thirumeni in favour of 5 th defendant Maheshwaran |
| Ex.B4 | 08.02.2019 | Witness sign of DW.4 Muthumurugan affixed in Ex.B3 |

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

Judgement in
in OS.165/204
Dated:18.04.2026