

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:227/2022
CNR No.TNTJ1007530 2022

- 1) D.Geetha
- 2) D.Sasikara

.....Plaintiffs

/vs/

- 1) D.Malini
- 2) D.Kannan
- 3) D.Venkatraman
- 4) The Canara Bank, represented by its Branch Manager,
Arulannandha Nagar Branch, Thanjavur.
- 5) The Indian Bank, represented by its Branch Manager,
Natarajapuram Branch, Thanjavur.

.....Defendants

This suit was taken on file on **12.10.2022** on the file of the Principal District Court, Thanjavur and made over to this court on 20.10.2022. In this court this suit came up for final hearing before me on 17.04.2026 in the presence of **Thiru.N.Selvaraj**, Advocate for the Plaintiffs and of **Thiru.K.Parthiban**, Advocate for the 1st and 3rd defendant and of **Thiru.V.Balamurali**, Advocate for the 2nd defendant and of **Thiru.M.G.Rajamohan**, Advocate for the 4th defendant and the defendant 5 remained exparte 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 plaintiffs to pass a preliminary decree for partition of 2/5 share each suit item properties and also to pass a final decree in accordance with the preliminary decree and divide the suit properties by metes and bounds and part them in possession and enjoyment of the same by appointing an advocate commissioner and put the plaintiffs into possession of their respective shares and for costs of the suit.

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

The plaintiffs and the defendants 2, 3 are sisters and brothers. The 1st defendant is mother of plaintiffs. The plaintiffs and defendants 1 to 3 are legal heirs of the deceased Devaraj who died intestate. The plaintiffs and defendants 2, 3's father, as well as 1st defendant's husband namely Devaraj who was retired from Service in BSNL, Thanjavur and the plaintiffs were married while the time of living of their father Devaraj.

2.1) The 1st item of suit property belonged to the above said Devaraj was purchased the 1st item suit property from Neelambal and R.Saroja for valuable consideration on 04.04.1981 and at the time of purchased the 1st item of suit property it is a vacant place. Subsequently, he constructed the house in the 1st item of suit property. The said devaraj purchased the Gold Jewels worth about 60 (480gm) gold ornaments, it was mentioned I 2nd item of suit property and he had deposited the 2nd

item suit property in Canara Bank, Arulanandha Nagar Branch. Further he deposited amount of Rs.19,000/- in his name. The 2nd item of the suit property is in bank locker of the 4th defendant.

2.2) The plaintiffs and defendants 2, 3's father Devaraj had deposited amount of Rs.1,50,000/- in Indian Bank, Natarajapuram Branch and it has mentioned in 3rd item of suit property. The said Devaraj died on 04.01.2022 by intestate being his legal heirs who are plaintiffs and defendants 1 to 3. The plaintiffs were demanded for partition from the suit item of properties, but the defendants 1 to 3 refused for the same. The suit properties are Hindu Joint Family property hence, the plaintiffs are entitled to get share from the suit properties.

2.3) The ground floor monthly rent of Rs.10,000/- and the upstairs of house monthly rent of Rs.6,000/- per month paid by the tenants to the defendants 1 to 3 after the death of the plaintiff's father Devaraj and the defendants 1 to 3 could not allotted the plaintiffs share of the rent. Hence, the plaintiffs filed this suit.

3) Written Statement filed by the 1st defendant and adopted by the 3rd defendant:

The suit is not maintainable either in law or on facts and the same is liable to be dismissed in limine and the suit for claiming the partition against the defendants in respect of the suit properties with false allegations and so the suit is not maintainable one. The said Devaraj was purchased the 1st item suit property from Neelambal and R.Saroja for valuable consideration on 04.04.1981 and at the time of purchased the 1st

item of suit property it is a vacant place. Subsequently, he constructed the house in the 1st item of suit property and so the Devaraj was the absolute owner of the 1st item of the suit property are denied as false and not correct. The 1st item of of the suit property is two floor, in ground floor was constructed by the said Devaraj and this defendant in the year 1983 and the 1st floor was constructed in the year 2007 through the own funds of 3rd defendant. So, the 1st item of the suit property is not the absolute property of Devaraj and the joint family property of this defendants and the said Devaraj and the joint family property of this defendants and the said Devaraj and hence on the said grounds alone the suit is liable to be dismissed about the 1st item of the suit property.

3.1) The plaintiffs and the defendants 2, 3 father Devaraj purchased the gold jewels weighting 60 sovereigns as mentioned in the 2nd item of the suit property and the same was deposited by the deceased Devaraj in 4th defendant bank and also a sum of Rs.19,000/- deposited in his name are denied as false and devoid of truths. Actually, at the time of marriage, this defendant family members have presented 50 sovereigns jewels to her and thereafter 35 sovereigns jewels were sold by this 1st defendant for purchase of the 1st item of the suit property and also constructed in the said property and the remaining 15 sovereigns jewels are continuously keeping by this 1st defendant for her own use and further this defendant second son namely the 3rd defendant marriage was held in the year 2013 and the same the 3rd defendant wife namely Jeevalakshmi family members have presented 25 sovereigns to his wife.

3.2) The 3rd defendant is working in Chennai in private company as mechanical engineer and after the marriage he shifted the life at Chennai along with his wife and still he is residing at Chennai and so before leaving the parents' home the 3rd defendant and his wife Jeevalakshmi was handed over the said 25 sovereigns jewels to this defendant and the above said Devaraj for safety purpose and the same only this defendant husband was open the bank locker in 4th defendant bank in his name for keeping the said jewels which are belong to these defendants totally 60 sovereigns including the 2nd defendant jewels weighing 20 sovereigns out of 60 sovereigns and further this defendant name also mentioned as nominee in the said bank locker of 4th defendant bank. So the 1st item in 2nd item of the suit property weighing 60 sovereigns jewels are absolute property of the defendants 1 to 3 and the said jewels are not the property of Devaraj. The plaintiffs have no right or title to claim the 1st item in 2nd item of the suit property.

3.3) Further the 2nd item in 2nd item of the suit property a sum of Rs.19,000/- was deposited in the name of this defendants in 4th defendant bank for open the bank locker purpose and so the both items as mentioned in the 2nd item of the suit property are not the partitioned properties and the plaintiffs have no rights to claim the 2nd item of the suit property. The deposit amount Rs.1,50,000/- by deceased Devaraj in 5th defendant bank for welfare of the future life of 1 to 3 defendants. At the time of the plaintiffs' marriage the said Devaraj and this defendants presented jewels and spent money and for household articles.

3.4) These defendants collected the rent amount from the ground floor and 1st floor tenants are not correct. This defendant was arranged to sell the 1st item of suit property to 3rd parties for settling the family debt and agreed over the same. The plaintiffs intentionally omitted the said family debts in plaint schedule and so the suit is liable to be dismissed for non-including the said creditors. The 1st defendant deposited a sum of Rs.3,00,000/- in 5th defendant bank through the own funds and the same only this defendants was collected the said amount from the 5th defendant bank for spending her medical expenditures and so either the plaintiffs or the defendants 2 and 3 have no rights to claim the said amount as mentioned in 2nd item of the 3rd item.

4) Written statement filed by the 4th defendant is as follows:

The plaintiffs suit is false, frivolous and not sustainable either in law or on fact. This 4th defendant does not admit any of the allegations in the plaint and puts the plaintiffs are to strict proof of the allegations. The plaintiffs father Devaraj has transacted in his Saving Bank Account from the 4th defendant Bank. In his SB Account bearing No.1854101004748 as on 08.11.2022 outstanding of balance of Rs.9,288.02. The plaintiffs father Devaraj is also a Locker Holder of the said 4th Defendant Bank in his Locker Account bearing No.1854404000045 in which said Devaraj deposited Rs.9,293/- for Locker Advance Rent. No one came to the said 4th Defendant Bank about the locker, someone given a intimation said Devaraj was died on 04.01.2022, only due process of law this 4th Defendant Bank decide to closure of the SB Account and as well as the Locker Accounts through the legal heirs of

deceased Devaraj based on their submission of documents. Hence, prayed to dismiss the suit.

5) Written Statement filed by the 2nd defendant is as follows:

The suit is not maintainable either in law or on facts and the same is liable to be dismissed in limine and the suit is not maintainable one and the plaintiffs are strict proof of the allegations. It is not true that the second item of property, 60 sovereigns of jewels are acquired by Devaraj. Because, he was a retired telephone operator, who had worked at BSNS, Thanjavur, during his lifetime, utilizing his own income, he had already spent the money for the marriages of both his daughters in an exemplary manner, providing each with 20 sovereigns of jewels and wedding gifts.

5.1) Therefore, the jewels specified as Item No.2 in the suit schedule property was not purchased using Devaraj's income. It is true that 60 sovereigns of jewelry are kept in a locker at Canara Bank, the 4th Defendant. Of the said 60 sovereigns of jewels in the above mentioned locker, a portion was received by the 2nd Defendant at the time of his marriage and then. This Defendant submits that the said jewels are kept in a separate box within the above mentioned locker, bearing this Defendant's name. Furthermore, this Defendant submits that 20 sovereigns of jewels belonging to the wife of the 3rd Defendant are also kept in the above mentioned locker, with the 3rd Defendant's name inscribed thereon.

5.2) The 2nd defendant submits that the name of the 1st Defendant is inscribed on the separate box containing the 15 sovereigns of gold jewelry belonging to the 1st

Defendant. Furthermore, he submits that since the 2nd Defendant resides in another state with his wife, and deeming it unsafe to keep the jewels at his place of residence, he has deposited 25 sovereigns of gold jewels in the locker standing in his father's name, considering it to be a secure place for safekeeping.

5.3) Regarding the first item under Item 3 of the suit schedule amounting to Rs.1,50,000/- a sum of Rs.50,000 was remitted by this defendant to his father and currently remains in Devaraj's savings account. Consequently, out of the property listed as the first item under Item 3, only Rs.1,00,000/- belongs to Devaraj. Furthermore, the sum of Rs. 3,00,000/- specified as the second item under Item 3, has been deposited by his father in the name of the 1st defendant.

6) In this suit, the following issues were framed on 10.07.2024:

1)	Whether plaintiffs are entitled to 2/5 share in suit items 1 to 3 as prayed for?
2)	Whether the plaintiffs are entitled to any other relief?

(7) In this suit, on the plaintiffs side Plaintiff was examined as P.W.1 and Ex.A1 to A7 were marked. The 3rd defendant examined as DW1 on defendants side and Ex.B1 to Ex.B4 were marked.

(8) The learned counsel for the plaintiffs submitted and filed written argument stating that the suit property item No.1 was landed building, plaintiffs' father employ of BSNL and purchase the site by procuring land, subsequently time later the building was constructed by procuring loan. But per contra, the defendant one stated that it was

purchased out of her jewelry selling for that, there is no document or evidence. Hence, the contention not maintainable the plaintiffs are entitled for 1/5 share each property No.2 is the locker opened in the name of plaintiffs' father it is get closing for the past 10 years. Property in the locker is to be divided equally with the plaintiffs and defendants. But the defendants contended that all the jewels are as far as to the first defendants and 2, 3 defendants' wife. What claiming with by way of filing documents. The documents are not in proper order. Hence in the plaintiffs are divided each in the 2nd defendant and 3rd defendant share. The 3rd item schedule is the property deposited in the bank it was made by the plaintiffs' father as a first class legal heirs and the plaintiff get share in the liquid asset in the 3rd item. But the counsel for the 1st and 3rd defendant submitted that being employee of BSNL, husband of 1st defendant is not in position to maintain the family for the easy moving jewels of the first defendant sold and the funds utilizing purchase the site and construction and house of the first defendant is only. The first defendant is owner of the property against which no share is available in further and 2nd item of property jewels of the first defendant jewels and 2nd 3rd wife for the safety reason put in the locker by the house of first defendant and father of 2, 3 defendants. The plaintiffs are already married by providing all. Hence, there is no entitled share in the 2nd

item. The 3rd item is the liquid assets in which also the plaintiffs are not entitled. Since they have already got marriage by the funds of deceased Devaraj house of first defendant. Hence, the plaintiffs are not entitled to any share prayed for dismissing the suit.

(9) The counsel for the 2nd defendant submitted that the plaintiffs are already got marriage upon the expenses of father and brothers D2 and D3, prayed for dismissing the suit. Defendants 4 and 5 are the Bankers, ready and willing to oblige the order of the court.

(10) Issue No.1

Whether the plaintiffs 2/5th share in the suit items 1 to 3? From the evidence of plaintiff either first plaintiff examined as PW1 in her evidence was stated, I am the first plaintiff, 2nd plaintiff is her sister, the 2st defendant is her mother, 2, 3 defendants are her brothers. The Father of the plaintiffs worked as Bharath Sanchar Nigam Limited. At the alive time of Devaraj marriage for the plaintiffs' took place. The property purchased on 04.04.1981, the building construction at the time of Devaraj the 2nd item of property is, for which deposit of Rs.19,000/- for locker. The properties are kept under the locker custody for safety item 3 was depositing Rs.1,50,000/- by her father. Hence, the plaintiffs claim for share. Devaraj died on 04.01.2022. Plaintiffs and defendants 1 to 3 are the first class legal heirs. The suit item1 was

granted for rent for Rs.10,000/- ground floor and Rs.6000/- for the first floor the safety reason is not correct one and the reply by defendants also deny for plaintiffs prayed for partition. But in the cross examination. The employee of the Devaraj was admitted, the defendants 2 and 3 employee also accepted, Devaraj conducted the marriages of the plaintiffs are also admitted by utilizing the funds of Devaraj was admitted. The first plaintiff in his cross examination admitted that the jewels in the locker of deceased Devaraj bank 2nd defendant is admitted and the 1 and 3 defendants jewels also put in the locker is admitted. Ill health of the first defendant also admitted.

(11) From the evidence of plaintiff, it is found that the property purchased and construction admitted, the 2nd and 3rd item of locker also admitted by the plaintiffs. From the evidence of the plaintiffs side and defendants it is found that even there is small difference of opinion property in first item is belonged to deceased Devaraj. Hence, plaintiffs and defendants 1 to 3 are each entitled for 1/5 share as far as the locker item the plaintiffs are not proved any of the jewels are the jewels mentioned to only lakhs and contents. PW1 in her evidence stated that all her jewels are with her only and further in cross examination PW1 categorically admitted that the jewels in which locker item No.2 belongs to D1 and D3. Hence, the plaintiffs are not entitled for the locker items.

Regarding the liquid assets of locker Rs.1,50,000/- So the property is made by Devaraj. Hence all the legal heirs are equal share in the property. Hence, the plaintiffs and the defendants 1 to 3 equally entitled for Rs.1,50,000/- in the deposit with interest. Hence the issue No.1 is answered accordingly.

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

In final the suit is decreed with regard to No.1 and 3. Dismissed with regard to the item No.2 without costs.

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

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

Plaintiffs' side witnesses:

PW.1	D.Geetha (1 st Plaintiff)
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Plaintiffs' side Exhibits:

Ex.A1	04.04.1981	Sale deed in favour of Devaraj
Ex.A2	04.06.2022	Legal Heir Certificate
Ex.A3	--	Caveat Petition of 2 nd defendant
Ex.A4	--	Xerox Copy of Aadhar Card of 1 st plaintiff
Ex.A5	14.06.2022	Intimation Letter to Canara Bank
Ex.A6	11.01.2022	Online copy of Death Certificate of Devaraj

Ex.A7	--	Xerox Copy of Aadhar Card of 2 nd plaintiff
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Defendants side witnesses:

DW.1	D.Venkatraman
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Defendants side Exhibits:

Ex.B1	--	Receipt of jewels (1 to 7)
Ex.B2	--	Photoes of 3rd ^t defendant's wife
Ex.B3	14.09.2023	Details of Treatment for Health ailments of 1 st defendant
Ex.B4		Online copy of Statement of Account in the name of 1 st defendant

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

JUDGMENT IN
OS NO.227 of 2022
DATED: 24.04.2026