

**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(Fast Track Court), Kumbakonam**

Present : Thiru.S.Shunmugavel, B.A., B.L.,
Additional District and Sessions Judge, (F.T.C.) Kumbakonam.

Thursday, the 13th day of April 2023.

O.S.55/2019

Fairog Kani	...	Plaintiff
	VS	
1. Reema Begam 2. Barkathunissa Begam 3. Ramachandran 4. S.Prabu 5. The Sub Registrar, Thirupananthal 6. The Sub Registrar, Lalgudi Taluk, Trichirpalli 7. The District Registrar, Kumbakonam 8. The District Registrar, Trichy	...	Defendants

This suit came up before this court for final hearing on 09.02.2023 in the presence of Thiru.M.Siva, Advocate for the Plaintiff, Thiru.K.Ashokan, Government Pleader for the defendants 5 to 8 and the defendants 1 to 4 called absent and set exparte and upon hearing the arguments of both sides and having stood over for consideration till this day, this court delivers the following

JUDGEMENT

The Suit is for declaration and for consequential relief of Permanent Injunction and for declaring the settlement deed executed in favour of D1 and D2 on 09.06.2015 and Mandatory injunction to remove the entry of document before Sub Registrar Office, Thirupanandal and also for mandatory injunction to declare the sale

deed of D1 and D2 executed in favour of 3rd defendant dated 07.03.2016 from Sub Registrar office, Thirupanandal and mandatory injunction to remove the entry of document dated 07.03.2016 doc.No.226/2016 and to declare the sale deed dated 12.12.2017 executed by D3 in favour of D4 in Sub Registrar Office, Lalgudi in Doc.No.3934/2017 and for mandatory injunction against the S.R.O. Lalgudi to remove the entry of sale deed dated 12.12.2017 as Doc.No.3934/2017 with costs and for other reliefs.

Contention of the Plaintiffs

2) The case of the plaintiff is that the Suit property in Survey No.96/1 to an extent of 1.47 cents out of acre 2.78 cents comprised in Survey No.96/1 in No.3, Vilanthakandam Village, Kumbakonam Taluk, Thanjavur District was originally belonged to Mohamed Ghouse, S/o.Mohamed Ghouse, S/o.Mohamed Abubakkar who sold the property to the plaintiff on 20.05.1992 under document No.832/1992 registered in the office of District Registrar, Thanjavur. After purchase, the above property, the Patta was issued in the name of the plaintiff. The vendor of the plaintiff (ie) Mohamed Ghouse S/o.Mohamed Abubakkar got the property by way of registered partition deed dated 19.05.1992 under registered partition deed No.944/92 registered before the District Register, Thanjavur. In the above partition deed " உ அட்டவணை " was allotted to the said Mohamed Ghouse. Likewise the other properties were allotted to the brothers and sisters of Mohamed Ghouse. The said Mohamed Ghouse was none other than the brother of plaintiff's husband and he was leading a Vagabond life for the past several years. The plaintiff became shock and surprise knowing that the 1st defendant calling herself the wife of Mohamed Ghouse gave a complaint before K.K.Nagar Police Station, Trichy the plaintiff had kidnapped the said Mohamed Ghouse. The 1st defendant is a Hindu by name Shanthi. She has claimed that she had married Mohamed Ghouse and gave birth to a female child by name Barakathunissa Begum who has arrayed as D2. The 1st defendant who

has not the legally wedded wife of Mohamed Ghouse. The defendants 1 and 2 was giving compromise and hence the plaintiff filed a suit in O.S.NO.341/2011 before District Munsif Court, Kumbakonam for the relief of Permanent injunction against D1 and one Kaliyamoorthy. After hot contest, the suit was decreed on 09.06.2017. Thereafter the 1st defendant filed a suit in O.S.No.60/2012 before the Additional District Munsiff, Lalgudi, Trichirappalli District against this plaintiff as the 1st defendant, the District Collector, Trichirappalli as the 2nd defendant and the Tahsildar, Lalgudi as the 3rd defendant for the relief of declaration that the said Mohamed Ghouse to be declared as dead. The plaintiff filed a detailed written statement in that suit and later the 1st defendant therein not pressed the suit on 02.09.2013. Thereafter the defendants 1 and 2 herein forged and fabricated legal heir ship certificate which is said to be obtained on 15.09.2011 from Thasildar, Lalgudi Taluk, Trichirappalli District stating the above said Mohamed Ghouse died on 19.02.2009 in Government Hospital, Puthur, Trichy – 17. If really the legal heir certificate was issued, the 1st defendant would not filed the suit before the Additional District Munsiff, Lalgudi on the strength of the fraudulent legal heir ship certificate. The 1st defendant seems to have obtained patta from Revenue Department, Kumbkonam Taluk, Thanjavur in respect of the suit property D1 and D2 fooled the revenue department. Thereafter knowing fully well, the said suit property does not belong to the 1st defendant fraudulently executed a registered settlement deed in favour of the 2nd defendant on 09.06.2015 which is registered Doc.No.623/2015 in Thirupanandal Sub Registrar office in respect of 1.4 cents in S.R.No.96/1. Later the plaintiff issued legal notice to Sub Registrar, Thirupananthal and not to register the forged settlement deed and forged patta. The plaintiff sent a representation on 16.10.2015 to the Inspector General of Registration Department, Chennai who ordered to take appropriate action on the matter and replied to the plaintiff by the District Registrar, Administration, Kumbakonam. Thereafter, the plaintiff preferred a complaint against D1 and D2 before the Superintendent of Police, Thanjavur and since no action was taken, the plaintiff approached the Honourable Madurai Bench of

Madras High Court, a direction in CrI.O.P.(MD)No.1344/2016 dated 27.01.2016. Even after the direction of the Honourable Madurai Bench of Madras High Court, the police did not take any action. Therefore again a complaint preferred before Thanjavur District Crime Branch and finally Cr.No.5/2016 was registered under sections 406, 468, 471 and 420 of I.P.C. on 13.04.2016. Meantime, D1 and D2 fraudulently executed a registered sale deed in favour of D3 on 07.03.2016 under registered Doc.No.226/2016 in the office of Thirupananthal Sub Registrar Office. It is void document and not binding of the plaintiff. Again the plaintiff issued notice to the Sub Registrar, Thirupananthal not to register the document and notice to Inspector General of Registration, Chennai on 16.10.2015 and got a reply on 27.01.2016 directing the District Registrar, Kumbakonam to enquire the matter regarding the fraudulent sale deed No.226/2016 dated 07.03.2016. The plaintiff again approached the Honourable Madurai Bench of Madras High Court, directing the District Registrar, Kumbakonam to enquire the complaint preferred against D1 and D2. The Honourable Madurai Bench of Madras High Court gave a direction after the direction the District Registrar, Kumbakonam reported since the legal heir certificate was not coming under Encumbrance Certificate and asked the plaintiff to approach the civil court. Against the order, the plaintiff preferred before the Registrar General and who has issued order dated 31.10.2018 stating that there is no provision for cancellation of the Settlement Deed No.226/2016 and asked the plaintiff to get remedy before the District Registrar. since the Registration department gave evasive reply. The 3rd defendant executed a sale deed Doc.No.3934/2017 in favour of the 4th defendant dated 12.12.2017 before the Sub Registrar, Lalgudi. The defendant could not execute the said document before the Thirupananthal Sub Registrar Office, since the property is within the jurisdiction of Thirupananthal Sub Registrar Office. The defendants colluded the fraudulent document in order to bring jurisdiction to Lalgudi Sub Registrar an extent of 100 sq.ft vacant site valued at Rs.13702/- was included in the sale deed . Therefore, the sale deed is void ab-initio and the document is not binding of the plaintiff. The 3rd defendant had purchased the property from the 2nd defendant

for a sum of Rs.5,00,000/- in the year 2016 and the 3rd defendnat sold the property to the 4th defendant for a meager sum of Rs.1,60,000/- in the year 1017. Therefore, it is evident from the two sale proceedings were made for ulterior motive and person would not sell the property in such a loss. Hence, the plaintiff has come forward with the suit for declaration with the suit property belong to the plaintiff and Permanent Injunction and for declaring the settlement deed executed in favour of D1 and D2 on 09.06.2015 and Mandatory injunction to remove the entry of document before Sub Registrar Office, Thirupanandal and also for mandatory injunction to declare the sale deed of D1 and D2 executed in favour of 3rd defendant dated 07.03.2016 from Sub Registrar office, Thirupanandal and mandatory injunction to remove the entry of document dated 07.03.2016 doc.No.226/2016 and to declare the sale deed dated 12.12.2017 executed by D3 in favour of D4 in Sub Registrar Office, Lalgudi in Doc.No.3934/2017 and for mandatory injunction against the S.R.O. Lalgudi to remove the entry of sale deed dated 12.12.2017 as Doc.No.3934/2017 and for other reliefs.

3) The defendants 1 to 4 did not conduct the suit and D3 called absent and set exaparte on 03.07.2019 and D1, D2 , and D4 were set exparte on 14.11.2019.

Contention of the 5th defendant, adopted by 7th defendant and also the 6th defendant and adopted by 8th defendant in brief: -

4) This defendants deny every one of the allegations contained in the Plaint and the plaintis is clearly unsustainable in law and there is no valid ground to ask for any relief in the Suit. There was no stay against the registration of any document, the D5 and D6 registered the document presented to them and did not know the relationship between the plaintiff and D1 and D2 and did not know the disputes between the plaintiffs and D1 to D4. The defendants 5 to 8 are not party to the suit in O.S.No.341/2011 and they are parties before `the Madurai Bench of Madras High Court in O.S.No.60/2012 and the relief claimed in the legal notice would be get remedy from the civil court. It is not true that the S.R.O. Thirupanandal

was colluding the 1st defendant to register No.226/2016 only as per the rules governed the registration act, the Settlement deed and sale deed have been registered. The plaintiff admitted himself in the plaint that as per the order of the writ petition of the Honourable Madurai Bench of Madras High Court in W.P.(MD)No.15138/16 the District Registrar, Kumbakonam passed order in No.782/2016 dated 23.12.2016. As per the said order, the plaintiff preferred an appeal before the Registrar General, Registration Department, Chennai and the order passed by him on 31.10.2018 and hence as per the petitions filed by the plaintiff, the officials of the Registration Department passed orders as contemplated by law and hence, the allegations raised by the plaintiff is utter false. There is no cause of action arose in this suit as against this defendants Therefore, there is no relief against the defendant 5 to 8. and hence the suit has to be dismissed in respect of this defendants 5 to 8.

ISSUES:-

5) After considering both side pleadings, the following issues were framed:-

1. Whether the plaintiff is entitled for the decree of declaration to the suit schedule property as prayed for?
2. Whether the plaintiff is entitled for the decree of declaration to declare the settlement deed dated 09.06.2015 executed by the 1st defendant in favour of the 2nd defendant is void and not binding on the plaintiff?
3. Whether the plaintiff is entitled for the mandatory injunction as prayed for?
4. Whether the plaintiff is entitled for the decree to declare the sale deed as null and void executed by the 1st and 2nd defendants in favour of the 3rd defendant dated 07.03.2016?
5. Whether the plaintiff is entitled for the mandatory injunction with regard to the Document dated 07.03.2016 and the related entries ?
6. Whether the plaintiff is entitled for the decree to declare the sale deed dated 12.12.2017 said to be executed by the 3rd defendant in favour of

the 4th defendant in the office of the Sub-Registrar, Lalgudi in Document No.3934/17 as null, invalid and not binding on the plaintiff?

7. Whether the plaintiff is entitled for the mandatory injunction with respect to the document No.3932/17 in the office of the Sub-Registrar, Lalgudi, Trichy District?
8. To what relief the plaintiff is entitled for ?

6) In order to prove this suit of the plaintiff, the plaintiff examined himself as PW1 and produced Ex.A1 to Ex.A17 and on the side of Defendants 5 to 8 the Junior Assistant working in the D5 office has been examined as DW1 and no document was marked on the defendants side.

Issue No.1:-

7) The case of the plaintiff is that the property in S.No.96/1 is belong to the plaintiff by way of purchase under the Sale Deed dated 20.05.1992 from Mohamed Ghouse. The said Mohamed Ghouse got the property by way of partition deed among the brothers and sisters under registered partition deed dated 19.05.1992 which has been marked as Ex.A4. The plaintiff has produced the sale deed dated 20.05.1992 in favour of the plaintiff as Ex.A1 and the Patta Pass book has been marked as Ex.A2. The computerized patta has been marked as Ex.A3 and the plaintiff has produced the Registered partition deed registered as Doc.No.944/1992 by District Registrar, Thanjavur has been marked as Ex.A5 and the decree and Judgement in O.S.No.341/2011 by District Munsif Court, Kumbakonam has been marked as Ex.A6 and Ex.A7. The defendants 1 to 4 have been set exparte and they did not appear before this court and disprove the case of the plaintiff. From the evidence of PW1 and documents filed by the plaintiff in respect of the suit property namely Ex.A1 to Ex.A6, it is clear that the plaintiff has proved the title of the schedule property and also produced Ex.A5 and Ex.A6 which is the decree and judgement passed in O.S.No.341/2011. Therefore, the plaintiff is entitled of the

declaration of title over the suit property and hence Issue No.1 is answered in favour of the plaintiff.

Issue No.2 and 3:-

8) The Case of the plaintiff is that the plaintiff has purchased the suit property from Mohamed Ghouse under registered sale deed under document No.832/1992 which has been marked Ex.A1 and the vendor of the plaintiff got the property under registered partition deed under document No.944/1992 dated 19.05.1992 which has been marked as Ex.A4. But the claim of the 1st defendant is that she is legally wedded wife of Mohamed Ghouse and got a female child by name Barakathunissa the 2nd defendant out of the wedlock which is not true as stated by the plaintiff. The plaintiff has further stated in the plaint that the 1st defendant is Hindu. Therefore the alleged marriage between D1 and Mohamed Ghouse is not legally valid and in fact the Mohaed Ghouse is leading vagabond life. Further the D1 had filed civil suit before the Additional District Munsiff, Lalgudi against the District Collector, Trichy, the Thasildar, Lalgudi and this plaintiff as D1 and that suit the plaintiff has filed the written statement consequently the above suit had not pressed by the D1. The plaintiff has produced the Decree passed by District Munsif, Lalgudi in O.S.No.60/2012 as Ex.P8 and also produced the plaint copy which has been marked as Ex.A7. But the plaintiff has stated in the plaint that D1 had managed to get legal heir ship certificate alleged to have been issued by the Thasildar, Lalgudi. Meantime the 1st defendant has executed a settlement deed on 09.06.2015 in favour of the 2nd defendant but not having right over the suit property. The plaintiff is not a party to the above settlement deed. The above registration copy of settlement deed has been marked as Ex.A9. On perusal of Ex.A9 is undivided 1/2 share belong to the D1 has been settlement in favour of D2. In Ex.A9 stating that she acquire the property by way of wife of Mohamed Ghouse who got the property dated 19.05.1992. Further it has been stated in the above document the said Mohamed Ghouse expired on 19.02.2009 and legal heir certifice was issued as per the proceedings of Lalgudi Thasildar dated 15.09.2011. Since the defendants 1 and 2 were exparte in the suit,

this facts have not been disproved by D1 and D2. Therefore, it has to be construed that the D1 has executed the settlement deed in favour of D2 without having valid title for the suit property and the D1 has not appear before this court and has not proved that she is legally wedded wife of Mohamed Ghouse. Further the case of the defendant 5 to 8 is that there is no stay or injunction registration of the document in respect of the suit property. Therefore, as per the provision of the registration Act, these documents were registered. But the plaintiff has given legal notice not to register the settleemnt deed and also sent the representation to the Registration of Commissioner, Chennai since there was no interim injunction against the registration of document, D5 and D6 has registered the settlement deed as well as Sale deed. Considering the objection and the criminal O.P. filed before the Honourable Madurai Bench of Madras High Court, the Sub Registrar, Thirupanandal would have informed the Sub Registrar Lalgudi who could have verified with the Sub Registrar, Thirupanandal regarding any injunction or bar to register the document since the property is within the jurisdiction of Sub Registrar, Thirupanandal. This court considers the Sub Registrar has not followed the basic principle and called for any clarification from Sub Registrar, Thirupanandal before registering the sale deed on 12.12.2018. Therefore this court feels that the plaintiff has proved the fact that D1 has executed the settlement deed without having any valid title, right, possession of the suit property in favour of D2. Therefore those document is declared as null and void and this court feels that the plaintiff is entitled mandotary injunction to remove the document property registered in Sub-Registrar, Thirupanandal and the plaintiff is entitled for declaration that the settleemnt deed in Doc.No.623/2015 executed by D1 in favour of D2 is null and void and not binding of the plaintiff.

Issue No.4 and 5:-

9) The case of the plaintiff is that the plaintiff has got property by way of sale deed from Mohamed Ghouse who got the property by way of family partition under registered partition deed under Doc.No.944/1992 dated 19.05.1992 and the D1 without having any valid legal right claimed to be a wife of Mohamed Ghouse and

D1 managed to get a legal heir certificate issued by Lalgudi Thasildar and in order to the strength of legal heir certificate she has registered settlement deed in favour of D2 on 09.06.2015 before Sub-Registrar, Thirupanandal without having any valid right and in order to cheat the plaintiff D1 and D2 has executed the sale deed in favour of 3rd defendant on 07.03.2016 under Doc.No.226/2016 before Sub Registrar Office, Thirupanandal in respect of the suit property. The 3rd defendant also did not appeal before this court and he was set exparte and the plaintiff has already stated that the settlement deed in favour of D3 null and void and therefore the D1 and D2 have not valid right title and possess to execute the sale deed in favour of D3 on 07.03.2016 which has been registered before the Sub Registrar, Thirupanandal. Further the case of the defendant 5 to 8 is that there was no stay or injunction registration of the document in respect of the suit property. Therefore, as per the provision of the registration Act, these documents were registered. But the plaintiff has given legal notice not to register the settlement deed and also sent the representation to the Registration of Commissioner, Chennai since there was no interim injunction against the registration of document, D5 and D6 has registered the settlement deed as well as Sale deed. Considering the objection and the criminal O.P. filed before the Honourable Madurai Bench of Madras High Court, the Sub Registrar, Thirupanandal would have informed the Sub Registrar Lalgudi could have verified with the Sub Registrar, Thirupanandal regarding any injunction or bar to register the document since the property is within the jurisdiction of Sub Registrar, Thirupanandal. Therefore, the plaintiff is entitled for declaration that the sale deed executed in favour of 3rd defendant has null and void and not binding of the plaintiff and the plaintiff has also entitled on mandatory injunction. removing the above entry of sale deed from Sub Registrar office, Thirupanandal on 07.03.2016 under Doc.No.226/2016 . Therefore, issue no.4 and 5 are answered accordingly in favour of the plaintiff.

Issue No.6 and 7:-

10) The case of the plaintiff is that the plaintiff has got property by way of sale deed from Mohamed Ghouse who got the property by way of family partition

under registered partition deed under Doc.No.944/1992 dated 19.05.1992 and D1 is not the legally wedded wife of Mohamed Ghouse and D1 managed to get a legal heir certificate issued by Lalgudi Thasildar and in order to the strength of legal heir certificate she has registered settlement deed in favour of D2 and afterwards the D1 and D2 executed the sale deed in favour of D3 on 07.03.2016 which has been registered before the Sub Registrar, Thirupanandal. Based on the alleged sale deed in favour of D3, D3 has executed the sale deed in favour of D4 dated 12.12.2017 and registered the sale deed before the Sub Registrar, Lalgudi under Doc.No.3934/2017. The plaintiff has stated that D3 purchased the property for a sum of Rs.5,00,000/- from D1 and D2 and executed a sale deed in favour of D4 for meger a sum of Rs.1,60,000/- that too in the year 2017. Therefore, the above encumbrance made voluntarily by D1 to D4 to create a encumbrance over the suit property. The plaintiff has stated that these transactions are forged and fabricated and D3 has executed the .sale deed without having any valid title, right and possession over the suit property/ Since the execution of D3 has also no right, title and possession over the suit property since D4 is set exparte and he has come forward to this court to disprove the case of the plaintiff and it is to be construed that the sale deed in favour of D4 is no valid and it is void ab-initio and not binding the plaintiff. Further the case of the defendant 5 to 8 is that there is no stay or injunction registration of the document in respect of the suit property. Therefore, as per the provision of the registration Act, these documents were registered. But the plaintiff has given legal notice not to register the settlemnt deed and also sent the representation to the Registration of Commissioner, Chennai since there was no interim injunction against the registration of document, D5 and D6 has registered the settlement deed as well as Sale deed. Considering the objection and the criminal O.P. filed before the Honourable Madurai Bench of Madras High Court, the Sub Registrar, Thirupanandal would have informed the Sub Registrar Lalgudi could have verified with the Sub Registrar, Thirupanandal regarding any injunction or bar to register the document since the property is within the jurisdiction of Sub Registrar, Thirupanandal. This court considers the Sub Registrar has not

followed the basic principles and called for any clarification from Sub Registrar, Thirupanandal before registering the sale deed on 12.12.2018. Therefore, this court feels that the plaintiff is entitled for declaration that the sale deed dated 12.12.2017 executed by D3 in favour of D4 is null and void and not binding on the plaintiff. Even though the registration has been made before Sub-Registrar, Lalgudi in Trichy District the property is within the jurisdiction of this court. Therefore, the suit has taken on file before this court and hence it is ordered that the plaintiff is entitled for the declaration to the sale deed executed by D3 in favour of D4 registered before Sub Registrar, Lalgudi in Doc.No.3934/2017 dated 12.12.2017 is null and void and not binding of the plaintiff. The plaintiff is also entitled for mandatory injunction directing the Sub Registrar, Lalgudi, Trichy District to remove the entry of sale deed dated 12.12.2017 registered as document No.3934/2017 in respect of the suit property alone.

Issue No.8:-

11) In respect of other relief the defendants are directed to pay the costs of the suit to the plaintiff.

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

1. The plaintiff is entitled for the declaration of title over the suit property consequential relief of Permanent Injunction restraining the defendants their men, servants, agents from interfering the plaintiff's peaceful possession and enjoyment of the suit property in any manner whatsoever.
2. The plaintiff is entitled for declaration that the settlement deed executed by D1 in favour of D2 on 09.06.2015 is void ab-initio in valid and not binding the plaintiff.
3. The plaintiff is entitled for Mandatory Injunction directing the Sub Registrar, Thirupananthal to remove the entry of document dated 09.06.2015 registered as Doc.No.123/2015 executed by D1 in favour of D2 from the encumbrance register, which have to be done through

process of court.

4. The plaintiff is entitled for declaration of the sale deed executed by defendants D1 and D2 in favour of D3 dated 07.03.2016 registered as Doc.No.226/2016 registered before Sub Registrar Thirupananthal as void ab-initio invalid and not binding of the plaintiff.
5. The plaintiff is entitled for Mandatory injunction directing the Sub Registrar, Thirupananthal to remove the entry of the document dated 07.03.2016 registered as Doc.No.226/2016 executed by D1 and D2 in favour of D3 from the encumbrance register which have to be done to the process of court.
6. The plaintiff is entitled for declaration of sale deed dated 12.12.2017 executed by D3 in favour of D4 before the Sub Registrar, Lalgudi registered as Doc.No.3934/2017 from the encumbrance register and intimate the same to the Sub Registrar, Thirupanandal which have to be done through process of court.
7. The defendants are directed to pay the costs of the suit to the plaintiff.

Dictated to Steno Typist, directly typed out in computer, corrected and pronounced by me in the open court on this the 13th day of April 2023.

Additional District Judge
(Fast Track Court), Kumbakonam.

Witness examined on the side of the plaintiffs :-

PW1	Fairog Kani - plaintiff
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Exhibits marked on the side of the plaintiffs :-

Ex.A1	20.05.1992	Registered Sale deed No.832/1992 executed by Mohamed Ghouse in favour of the plaintiff.
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Ex.A2	-	Xerox Copy of Patta Pass Book
Ex.A3	-	Xerox Copy of Computerized Patta
Ex.A4	19.05.1992	Registered Partition deed registered as Doc.No.944/1992 in the Office of District Registrar, Thanjavur.
Ex.A5	09.06.2017	Certified copy of Decree in O.S.No.341/2011 on the file of District Munsif Court, Kumbakonam.
Ex.A6	09.06.2017	Certified copy of Judgement in O.S.No.341/2011 on the file of District Munsif Court, Kumbakonam.
Ex.A7	-	Xerox copy of Plaint in O.S.No.60/2012 on the file of District Munsif Lalgudi, Trichirappalli
Ex.A8	02.09.2013	Certified copy of Decree and Judgement in O.S.No.60/2012 on the file of District Munsif court, Lalgudi.
Ex.A9	09.06.2015	Certified copy of Settlement Deed No.623/2015 executed by 1st defendant in favour of the 2nd defendant
Ex.A10	22.09.2015	Xerox copy of Legal Notice issued by the Plaintiff's Counsel to the Sub Registrar, Thirupananthal Registrar.
Ex.A11	23.09.2015	Served Postal Acknowledgment of the Legal Notice dated 22.-9.2015
Ex.A12	27.01.2016	Xerox copy of Reply sent by the Registrar General, Registraton Department, Chennai
Ex.A13	07.03.2016	Certified Copy of Sale deed No.226/2016 executed by the 1st and 2nd defendants in favour of the 3rd defendant.
Ex.A14	23.12.2016	Xerox Copy of Proceedings of the District Registrar, Kumbakonam
Ex.A15	31.10.2018	Xerox Copy of Proceedings of District Registrar's General, Chennai.
Ex.A16	12.12.2017	Online copy of Sale Deed No.3934 executed by the 3rd defendant in favour of the 4th defendant
Ex.A17	-	Encumbrance Certificate

Witness examined on the side of Defendant :

DW1	Moorthykumar - Junior Assistant, Sub Registrar Office, Thirupanandal
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Exhibits marked on the side of Defendant : Nil

Additional District Judge
(Fast Track Court), Kumbakonam.

Draft / Fair Judgment
O.S.N0.55 / 2019
Dt.13.04.2023

<p>5.The plaintiff is entitled for Mandatory injunction directing the Sub Registrar, Thirupananthal to remove the entry of the document dated 07.03.2016 registered as Doc.No.226/2016 executed by D1 and D2 in favour of D3 from the encumbrance register which have to be done to the process of court.</p> <p>6. The plaintiff is entitled for declaration of sale deed dated 12.12.2017 executed by D3 in favour of D4 before the Sub Registrar, Lalgudi registered as Doc.No.3934/2017 from the encumbrance register and intimate the same to the Sub Registrar, Thirupanandal which have to be done through process of court.</p> <p>7. The defendants are directed to pay the costs of the suit to the plaintiff.</p> <p>Additional District Judge (F.T.C.), Kumbakonam</p>	<p style="text-align: center;"><u>O.S.N0.55 / 2019</u></p> <p style="text-align: center;"><u>Dt.13.04.2023</u></p> <p>Judgement pronounced.In the result, the suit is decreed as follows:-</p> <p>1. The plaintiff is entitled for the declaration of title over the suit property consequential relief of Permanent Injunction restraining the defendants their men, servants, agents from interfering the plaintiff's peaceful possession and enjoyment of the suit property in any manner whatsoever.</p> <p>2. The plaintiff is entitled for declaration that the settlement deed executed by D1 in favour of D2 on 09.06.2015 is void ab-initio in valid and not binding the plaintiff.</p> <p>3. The plaintiff is entitled for Mandatory Injunction directing the Sub Registrar, Thirupananthal to remove the entry of document dated 09.06.2015 registered as Doc.No.123/2015 executed by D1 in favour of D2 from the encumbrance register, which have to be done through process of court.</p> <p>4. The plaintiff is entitled for declaration of the sale deed executed by defendants D1 and D2 in favour of D3 dated 07.03.2016 registered as Doc.No.226/2016 registered before Sub Registrar Thirupananthal as void ab-initio invalid and not binding of the plaintiff.</p>
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