

IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE, TINDIVANAM

**PRESENT : Thiru. T. H. Mohammed Farooq, M.A., M.L.,
I Additional District Judge, Tindivanam.**

Wednesday the 30th day of July, 2025

O.S.No.167/2024

CNR.No.TNVPOC0003252024

Karpagam

..

Plaintiff

--Vs--

K.S. Dravidamani

..

Defendant

This Suit coming before me for final hearing on 22.07.2025 in the presence of Thiru.L.Sathish Advocate for the plaintiff and the defendant being called absent and set exparte and after hearing the arguments of plaintiff side and upon perusing the material records and having stood over for consideration till this day, this Court delivers the following ...

JUDGMENT

1. Suit for declaration of plaintiff's right and title over the suit property and for consequential permanent injunction restraining the defendant from interfering in the plaintiff's peaceful possession or alternative relief of directing the defendant to deliver the vacant possession of the suit property to the plaintiff and for costs.

2. The gist of the plaint in brief:

2.1. The suit properties and other properties were originally owned and possessed by plaintiff's father in law Krishnaraj alias Seenuvasa Udaiyar by

virtue of registered partition deed dated 22.6.1955. The said properties are agricultural lands and they were under cultivation of plaintiff's father in law Krishnaraj alias Seenuvasa Udaiyar till his demise on 19.01.1987. The plaintiff's mother in law Victoria alias Victoria Krishnaraj, her husband V.K.Muthusamy alias Prakash and her sister in law Chandrika alias Chandiaravathana are the legal heirs of deceased Krishnaraj @ Seenuvasa Udaiyar. The plaintiff's husband as a male members of the family cultivated the suit properties and other properties. The plaintiff's mother in law and sister in law executed a registered settlement deed dated 26.09.2014 and released deed dated 12.02.2018 in respect of suit properties and other properties in favour of plaintiff's husband Muthusamy alias Prakash. Thus the plaintiff's husband became the absolute owner of schedule mentioned properties and other properties.

2.2. The plaintiff's husband Muthusamy alias Prakash settled the schedule mentioned properties and other properties in favour of plaintiff by way of two settlement deeds dated 25.07.2016 and 31.05.2017. Thereafter the plaintiff is in peaceful possession and enjoyment of the suit properties. The defendant who is the resident of Keezhkoothapakkam village, where suit properties are situated is owner of lands adjacent to the schedule mentioned properties. Initially the defendant was very cordial to the plaintiff, but of late their relationship had soured only because plaintiff refused to sell some portions of schedule mentioned properties to defendant. Taking advantage of defendant's proximity to schedule

mentioned properties, his clout in the area as an active politician, defendant had been making various illegal attempts to disturb plaintiff's possession over the suit properties since January 2024. Therefore the plaintiff issued legal notice to the defendant on 26.04.2024 to refrain from disturbing her peaceful possession and enjoyment of schedule mentioned properties.

2.3. The plaintiff received reply notice on 17.05.2024 from the defendant making absolutely false, baseless and disparaging claims in the schedule mentioned properties. The plaintiff issued rejoinder notice to the defendant on 19.06.2024 where she had emphatically denied the allegations that Balasubramanian Udayar promised to sell schedule mentioned properties to the defendant and that he paid a sum of Rs.5,55,000/- to the said Balasubramaniyan Udayar on various dates, further denied that Balasubramaniyan Udaiyar leased out the schedule mentioned properties to the defendant in the year 2000 and that he is in cultivation of the said lands, further denied that the defendant had obtained Adangal and VAO certificate for suit properties from the concerned authorities, and that the plaintiff is not legally wedded wife of Muthusamy alias Prakash, and that the defendant had turned barren lands into gold producing lands and the plaintiff's claims are violative of Limitation Act 1963. The above contentions of the defendant are absolutely false and baseless and they are with sole aim of grabbing the plaintiff's properties.

2.4. Neither Balasubramaniyan Udaiyar nor anyone else in plaintiff's family ever agreed to sell suit properties to defendant nor did they receive any advance for such sale agreement at any point of time. In fact the said Balasubramaniyan Udaiyar is the brother of the plaintiff's father in law Krishnaraj alias Seenuvasa Udaiyar and as per the partition deed dated 22.6.1955, the suit properties were not allotted to Balasubramaniyan Udaiyar. So the said Balasubramaniyan Udaiyar did not had any right to create any oral agreement for sale, lease or any other kind of encumbrances over the schedule mentioned properties to the defendant.

2.5. The claim of the defendant is that the suit properties were leased out to the defendant by Balasubramaniyan Udaiyar. The said Balasubramaniyan Udaiyar had absolutely no right to lease out the schedule mentioned properties as he was not the owner of the same. As per the revenue records, patta and A register for the schedule mentioned properties stands in the name of the plaintiff's husband which is the prime proof of actual possession of plaintiff. If at all any such Adangal or VAO certificate is in custody of defendant, they can only be forged documents or they might have been obtained by defendant by using his political clout and his money power.

2.6. The plaintiff being a lady and law abiding citizen, she cannot guard her properties against the defendant given the fact that he is a local political leader and has lot of clout in the area. The defendant is the resident of

Keezhkoothapakkam village and has closed proximity with the schedule mentioned properties whereas the plaintiff is a widow residing at Puducherry and predominantly remains out of schedule mentioned properties. The defendant is capable of stooping down to any level to grab the schedule mentioned properties from the plaintiff by using force and violence.

2.7. Hence the suit is for declaration of plaintiff's title in the suit property and permanent injunction against the defendant not to interfere with the plaintiff's peaceful possession and enjoyment in the suit property and alternatively the defendant is directed to deliver the vacant possession to the plaintiff from granting possession certificate and for costs.

3. **The written statement filed by the defendant in brief:**

3.1. It is correct that the suit properties was allotted to the share of Krishnaraj alias Seenuvasa Udaiyar under the partition deed dated 22.6.1955. It is denied that the plaintiff is daughter in law of the said Krishnaraj alias Seenuvasa Udaiyar and she is not a legally wedded wife of Muthusamy. It is also incorrect that Krishnaraj alias Seenuvasa Udaiyar was in possession of the suit properties till his demise on 19.01.1987. It is denied that the said Krishnaraj alias Seenuvasa Udaiyar had wife Victoria, son Muthusamy alias Prakash and daughter Chandrika alias Chandhiravathana. In fact one Chithra is the wife of Muthusamy alias Prakash and she got two kids. Suppressing the said facts, this suit is filed. The allegation that after demise of Krishnaraj @ Seenuvasa Udaiyar, his wife, son and

daughter succeed to the suit properties and that plaintiffs mother-in-law and sister-in-law settled their share to the plaintiff's husband and that in turn the plaintiff's husband gifted the suit properties by way of settlement deed dated 25.7.2016 and 31.5.2017 to the plaintiff are denied as incorrect. It is further denied that this defendant had properties to the adjacent of the plaintiff's property and with intention to grab the same was attempting to interfere with plaintiff's possession. It is true that the plaintiff issued notice with false allegations for which the defendant gave suitable reply. As such, Balasubramanian Udaiyar, the brother of Krishnaraj alias Seenuvasa Udaiyar enjoyed the suit property and under oral agreement in January 2000 he agree to sell the suit property to the defendant and deliver the possession. Since then defendant is in possession and enjoyment of the same, the revenue records are in the name of the defendant. He has spent huge money and developed the properties in cultivating the same for more than 12 years. Neither the plaintiff nor her husband are in possession and enjoyment of the same. The plaintiff has not produced any document to prove her possession. She was never in possession of the suit properties. Hence the suit is liable to be dismissed.

4. Based on the above pleadings, the following issues were settled for trial:

- (1) Whether the suit properties originally belongs to plaintiff's father in law Mr.Krishnaraj alias Seenuvasa Udaiyar?
- (2) Whether the plaintiff owned the suit properties by way of settlement deed dated 26.09.2024 and release deed

dated 12.02.2018 in favour of her husband and subsequent settlement deeds dated 25.07.2016 and 31.05.2017 in favour of the plaintiff?

- (3) Whether the plaintiff is in possession and enjoyment over the suit property?
- (4) Whether the plaintiff is entitled for the relief of declaration and permanent injunction as prayed for?
- (5) Whether the plaintiff is entitled for alternative relief of delivery of possession as prayed for?
- (6) To what relief the plaintiff is entitled?

Evidence :

5. On the side of the plaintiff, she herself is examined as PW1 and Ex.A1 to Ex.A15 are marked. The suit was posted for PW1 cross examination on 25.06.2025. The defendant was not ready and the matter was re-posted on 7.7.2025. The counsel for the defendant reported that party may be called. The defendant was called absent. Hence the court notice was sent to the defendant on 09.7.2025 in D.No.671/2025. Despite court notice the defendant was called absent and set exparte. He didn't chose to cross examine PW1. After closure of evidence and hearing the plaintiff's side arguments, the matter is taken up for judgment.

On the Issues:

6. Upon considering the plaintiff's arguments and examining the evidence on record, the above issues are answered as below:

Answer to Issue No. 1 and 2 :

7. The plaintiff has filed her proof affidavit in consonance with the plaint averments proving the plaint pleadings that the suit property originally allotted to the share of her father-in-law Krishnaraj alias Seenuvasa Udaiyar under the registered partition deed dated 22.06.1955, the certified copy of which is marked as Ex.A1. She has further testified that the said Krishnaraj alias Seenuvasa Udaiyar died intestate leaving behind his wife Victoria, son Muthusamy alias Prakash and daughter Chandrika alias Chandravathana. Ex.A2 is the certified copy of judgment and Ex.A3 is the certified copy of decree in O.S.2022/2014 passed by the learned Principal District Munsif, Pondicherry on 16.09.2015 declaring that Victoria, the plaintiff's husband Muthusamy and Chandrika alias Chandravathana are the legal heirs of the deceased Victoria and Krishnaraj alias Seenuvasa Udaiyar. Further the plaintiff has testified that her mother-in-law and sister-in-law had executed the settlement deed dated 26.09.2024 in favour of her husband which is marked as Ex.A4. Thereafter the plaintiff's husband gifted the said properties to the plaintiff by way of settlement deeds dated 25.07.2016 and 31.05.2017 in Ex.A5 and Ex.A6 which are duly registered and attested by the witnesses. Ex.A7 is the copy of release deed dated 12.02.2018 executed by Chandrika alias Chandravathana, the sister of the plaintiff's husband to the plaintiff's husband. The defendant has not appeared and cross examined PW1 to discredit and disprove the case of the plaintiff in any manner.

8. Therefore as per the oral and documents produced by the plaintiff it is proved that the plaintiff has acquired title in the suit properties as described above. Accordingly these issues are answered in favour of the plaintiff.

Answer for Issue No.3

9. The defendant has filed his written statement alleging that the plaintiff is not in possession and enjoyment of the suit properties. The defendant alleged that he entered in to sale agreement with one Balasubramanian, the brother of Krishnaraj alias Seenuvasa Udaiyar and he is in possession and enjoyment of the suit properties. But, the defendant has remained exparte. The plaintiff to prove her possession has produced the legal notice dated 26.4.2024 in Ex.A8 and the reply given by the defendant in Ex.A9 and rejoinder notice issued by the plaintiff's counsel on 19.06.2024 in Ex.A10 thereby denying the defendant's claim in the suit properties.

10. Further the plaintiff has produced Ex.A11, the patta standing in the name of plaintiff's husband. Ex.A12 is the A register extract details in the name of plaintiff's husband. Ex.A13 FMB sketch of the suit property shows that the revenue records standing in the name of plaintiff's husband. Further the plaintiff has produced Ex.A14 Guideline Value and Ex.A15 the encumbrance certificate for the suit properties showing that the above title document stands in the name of the plaintiff. The plaintiff has testified that she is in possession and enjoyment of the suit properties from the date of settlement deed executed by her husband. In the

absence of any contra evidence, the plaintiff has proved her possession in the suit properties and this issue is answered accordingly.

Answer for Issue No.4 and 5 :

11. In view of the findings given in the above issues, the plaintiff has proved her title and possession in the suit properties. The defendant has not let in any contra evidence denying the plaintiff's claim and remained exparte even though he has chosen to file written statement. Hence the plaintiff is entitled for the relief of declaration and permanent injunction as prayed for and these issues are answered accordingly.

Answer for Issue No.6 :

12. In view of the findings given in the above issues, the plaintiff is entitled for main relief as prayed for and not for the alternative relief. This Issue is answered accordingly.

Result:

13. In the result the suit is decreed as prayed for with costs declaring the plaintiff's right and title over the suit property and granting permanent injunction restraining the defendant from interfering with plaintiff's peaceful possession and enjoyment of the suit property.

//Dictated to the Steno-typist, transcribed by her in Computer, printed out corrected and pronounced by me in Open Court on this the 30th day of July 2025//.

(Sd-/T.H.Mohammed Farooq)
**I Additional District Judge,
Tindivanam.**

List of witnesses and documents**Plaintiff's side witness:**

PW1 Karpagam (Plaintiff)

Plaintiff's side documents:

Ex.A1	22.06.1955	Certified copy of partition deed entered between Krishnaraj alias Seenuvasa Udaiyar and his brothers.
Ex.A2	16.09.2015	Xerox copy of Judgment in O.S.2022/2014 on the file of Principal District Munsif Court, Puducherry
Ex.A3	16.09.2015	Xerox copy of decree in O.S.2022/2014 on the file of Principal District Munsif Court, Puducherry.
Ex.A4	26.09.2014	Certified copy of settlement deed executed by Victoria and Chandrika alias Chandiravathana in favour of Muthusamy alias Prakash.
Ex.A5	25.07.2016	Certified copy of settlement deed executed by Muthusamy alias Prakash in favour of plaintiff
Ex.A6	31.05.2017	Certified copy of settlement deed executed by Muthusamy alias Prakash in favour of plaintiff
Ex.A7	12.02.2018	Certified copy of release deed executed by Chandrika alias Chandiravarthana in favour of plaintiff's husband
Ex.A8	26.04.2024	Legal notice issued by the plaintiff's counsel to the defendant.
Ex.A9		Reply notice issued by the defendant's counsel to the plaintiff's counsel
Ex.A10	19.06.2024	Rejoinder notice issued by plaintiff's counsel to the defendant's counsel.
Ex.A11		Computerized copy of patta in the name of plaintiff's husband.
Ex.A12		Computerized copy of chitta in the name of plaintiff's husband
Ex.A13		Computerized copy of FMB
Ex.A14		Computerized copy of Guideline value
Ex.A15		Computerized copy of encumbrance certificate

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