

CNR. No.TNKP08-000099-2018

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF AT
KANCHIPURAM

PRESENT: Tmt.Fanny Rajan, B.A., B.L.,(Hons)
Principal District Munsif, Kanchipuram

On Wednesday, the 19th day of November 2025

O.S.No. 79 of 2018

B. Radha

...Plaintiffs

//Versus//

1. A. Gopalakrishnan

2. A.Suseela

3. A. Yuvarani

4.A. Yuvaraj

...Defendants

This suit has come up on 10.11.2025 for final hearing before me in the presence of M/s.C. Govindasamy Counsel for the plaintiff and the 1st and 2nd defendant called absent set exparte on 28.07.2025 and the 3rd defendant was called absent, M/s. Nandakumar advocate for the 4th defendant, upon hearing the arguments of the Plaintiff and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

JUDGMENT

1. This is a suit for permanent injunction against the 1st to 4th defendant restraining them and their men and agents from in any way interfering with the plaintiffs peaceful possession and enjoyment of the suit property and to pass such or other orders as this court thinks and proper in the circumstances for costs.

Concise Statement of the Plaintiff as per the Plaint:

2. The plaintiff has averred that the suit property is the ancestral property of Duraisamy having patta, chitta, adangal and certificate. He died intestate leaving behind his sons D. Dhanasekaran, D. Baskar and S. Suseela @ Sasikala who is the only legal heir of a predeceased son D. Shanmugam. His wife Unnamalai Ammal died on 31.07.1998. All his legal heirs were in possession and enjoyment as owners. They jointly sold the suit property to her under a Registered Sale Deed dated 29.12.2011 and since she is in possession.

3. She has applied for finance under the Indra Gandhi Memorial Group House scheme before the Block Development Officer, Walajabad, and sanctioned a sum of Rs.1,00,000/- on 23.06.2012 and constructed a group house. She obtained electricity and water connection paying due charges and tax.

4. The 1st defendant filed a false complaint on 01.11.2017 before the 5th defendant alleging that the Sale deed is obtained by fraud, forgery and impersonation. She purchased the property from the legal heirs of Duraisamy. The name of the 1st defendant's father is Arumugam, whose father's name is Nagappa Mudaliar, his father's name is Saravanan and his father's name is Madhavan. Thus, the 1st defendant is not related to the suit property. She attended the enquiry on 26.04.2018 at the 5th defendant office and he stated there is a civil dispute not within his jurisdiction. Whiles, the defendants 1 to 4 attempted to interfere with her peaceful possession which was prevented. As they are highly influential, they may take the law and hence this suit for permanent injunction.

Concise Statement of the defendant as per the Written statement filed by the 1st defendant and adopted by the defendants 2 to 4:

5. The 1st Defendant had denied the allegations and stated that the Plaintiff is not entitled to any relief based on the Thooya Chitta issued by the Village Administrative Officer, who is not a competent authority. He gave a complaint dated 01.11.2017 before the Sub Registrar, Walajabad against the registration of the Document Number 7881/2011 as it is registered without perusal of the parent documents. There is no parent document for supporting to the same. The

Plaintiff had appeared for the enquiry which is pending. The registration of the Document Number 7881/2011 is forged. This court has no jurisdiction under patta pass book Act and as well as the enquiry pending before the Sub Registrar at Walajabad Sub Registrar Office. Hence, the suit has to be dismissed.

Issues:-

6. On perusal of the plaint and written statement filed by the defendants, this Court framed the following issues on 15.07.2020:

- 1) தாவா சொத்தானது வாதிக்கு பாத்தியப்பட்டு சுவாதீனம், அனுபவத்தில் இருந்து வருகிறாரா?
- 2) வாதி தாவா சொத்திற்கு பிரதிவாதிகளும், அவரின் ஆட்களும் வாதியின் அமைதியான அனுபவத்திற்கு இடையூறு செய்யாதிருக்க கோரும் நிரந்திர உறுத்துக்கட்டளை பரிகாரம் வழங்கத்தக்கதா?
- 3) பிரதிவாதிகள் வாதி தர்ப்பு ஆவண எண் 7881/2011 னை மோசடியான ஆவணம் என கூறுவது ஏற்புடையதா?
- 4) வாதிக்கு வேறு பரிகாரங்கள் கிடைக்கத்தக்கதா ?

Evidences:-

7. On the side of plaintiff, the plaintiff examined herself as PW1 and Ex.A1 to Ex.A15 were marked. On the side of the defendants, no oral or documentary evidence has been adduced.

Discussion and Findings:

8. This Court considers the submissions of the Learned Counsel for the Plaintiff. Upon perusal of the records, it is noted that when the learned counsel for the defendants reported no instruction, court notice was issued to Defendants 1 to 4. The Defendants 1 and 2 failed to appear and called absent and set exparte. Whereas, despite court notice to the 3rd defendant, she had not appeared in person. The 4th defendant though filed change of vakalat failed to duly appear after 30.10.2025 and advance his arguments despite sufficient opportunity. Hence, this court proceeds to consider the pleadings of the defendant as their submissions and pronounces this judgment. Further, the trial commenced in this suit on 14.06.2024, hence, this suit is decided in accordance with the provisions of the Indian Evidence Act.

9. Case of the Plaintiff: The learned counsel for the plaintiff contented that PW1 has duly deposed about her ownership and possession over the suit properties and substantiated her claims by relying upon Ex.A1 to A15. Being

the true owner and in possession of the suit property, no person is entitled to disturb her possession and enjoyment in the suit property. Though the defendants have denied the title conveyance to the Plaintiff, there is no pleadings to show the title of the defendants. Also there is no cloud established as the defendants have failed to adduce any evidence or cross examine the PW1. In the absence of any valid oral or documentary evidence, the PW1 evidence has to be taken on face value as discharging the initial burden of proof. Hence the suit has been decreed.

Issue No.1 to 3: Cloud over title, Possession, Permanent Injunction

10. As all the three issues No. 1 to 3 are interlinked, for the sake of brevity and better discussion scope, the said issues are taken up together for discussion.

11. This court finds that one of the main contentions raised is the title and right of the plaintiff in the suit property, through the registered Sale Deed dated 29.12.2011. In light of the law laid down by the Hon'ble Apex Court in *Anathula Sudhakar Vs. P.Buchi Reddy (Dead) by Lrs. & Ors, 2009 2 LW 546*, had clearly differentiated the circumstances in which a suit for bare injunction would lie and where there is a cloud over title, declaratory relief has to be sought for.

12. This Court also takes judicial note of the judgments in *Somasundaram Vs. Parameswariammal (Deceased), Represented by her Legal Representatives & Others, 2021 (4) CTC 44, K. Shanmugam (Died) & Others Versus Yasodha & Others, 2022 (1) LW 792*, the Hon'ble High Court had clearly observed that the question of declaration of title would become necessary only if the defendant established a cloud over the Plaintiff's title otherwise a bare injunction suit would be maintainable.

13. It is a well settled principle of law that in order to secure a decree for permanent injunction the plaintiff has to establish his alleged possession and enjoyment over the suit properties. In order to establish her ownership, the alleged possession and enjoyment over the suit properties on the date of suit, the plaintiff has examined herself as PW1. Apart from her ocular evidence, the plaintiff heavily relied upon documents Ex.A1 to A15.

14. It is the case of Plaintiff, through PW1 that she is the absolute owner of the suit property having purchased the same through a registered Sale Deed dated 29.12.2011 Ex.A1 from one Mr.Dhanasekar, Mr.Baskar and Ms.Suseela @ Sasikala. As per the recitals, the property was inherited by her vendors as an ancestral property of Mr.Duraisamy. The legal heirs of Mr.Duraisamy had executed the Ex.A1 Sale Deed. Further, as per the deed, the suit property is a

gramanatham property. To show the ownership of her vendors, the Ex.A2 Thorayya Patta in the name of Mr.Duraisamy is filed.

15. Further, she filed Ex.A8 Sale deed dated 17.10.1929, Ex.A9 Sale deed dated 29.03.1930, Ex.A10 Sale deed dated 16.09.1931, Ex.A11 Sale deed dated 19.02.1938, Ex.A12 Sale deed dated 06.05.1953, Ex.A13 Sale deed dated 06.05.1953, Ex.A14 Partition koor chit dated 16.10.1983 and Ex.A15 Sale deed dated 12.10.1987. These documents though filed to show the title of her vendors, it is noted that there are no pleadings regarding any of the said deeds in the Plaint. As per the well established principle of law, this court finds that no amount of evidence can be permitted in the absence of due pleadings. Hence, the deeds in Ex.A8 to Ex.A15 cannot be considered as evidence in this case.

16. From the Ex.A1, Ex.A2, the recitals, it is clearly evidenced that the suit property was conveyed upon the Plaintiff duly. Even though the Ex.A8 to Ex.A15 filed by the Plaintiff to show conveyance and flow of title has not helped her case, the Ex.A1 and Ex.A2 are sufficient to initially discharge the burden of proof regarding conveyance of title upon the Plaintiff for the suit property.

17. This court takes judicial note of the law laid down in *Anathula Sudhakar Case (Supra)*, *Somasundaram Case (Supra)*, *K. Shanmugam (Died) & Others Case (Supra)* and takes into consideration the dictum laid down regarding the suit for injunction simpliciter and that requiring relief for declaration regarding title. This court is of the considered view that there is no material on record to question the title of the Plaintiff and no cloud over the title of the Plaintiff is established by the defendant. The defendants have neither adduced any evidence nor cross examined the PW1 to elicit contradictions regarding the conveyance of title.

18. Though they plead forgery, fraud and impersonation, there is no material pleadings under Order VI Rule 4 CPC or material evidence to substantiate the same. Also no evidence has been let in by the Defendants to show their alleged right or title over the suit property. When no evidence is available on record to rebut the title of the Plaintiff and show their title under Section 91 of Indian Evidence Act there is no reason to question the Ex.A1 Sale Deed. The fact that the Defendants have lodged a detailed complaint against the Plaintiff in Ex.A4 does not in any manner substantiate the title of the defendants. Also the pendency of the proceedings before the Registrar regarding the execution of the Ex.A1 Sale Deed does not in any manner bar the jurisdiction of this court, to

entertain this suit for permanent injunction under Section 38 of the Specific Relief Act.

19. Hence, there is no reason to seek for relief of declaration of title in the absence of any cloud established by the Defendants. Resultantly, this Court is of the considered view that the pleading of the plaintiff that she had been conveyed the title of the property is clearly substantiated by Ex.A1, Ex.A2 and PW1 evidence. The Plaintiff had duly discharged her burden of proof regarding her title.

20. The next aspect for consideration is whether the plaintiff is in possession of the suit properties. This court on perusal of the suit schedule finds that the suit property is a land with building. The PW1 had clearly deposed about her possession and enjoyment in the suit property. To show her possession, she filed Ex.A5 Family Card, Ex.A6 Aadhar Card which shows a similar village name as the schedule.

21. Whereas, Ex.A3 is the water tax standing in the name of Mr.D.Baskar. The Ex.A7 EB card and receipt though in the name of the Plaintiff shows as Ethanampettai. But there is no survey number or door number mentioned in Ex.A3 or Ex.A7. Hence, the said exhibits are not assisting the case of the Plaintiff.

22. Upon conjoint reading of PW1 evidence and Ex.A1 to Ex.A2, Ex.A4 to Ex.A6, prima facie evidences the plaintiff's title and exclusive possession and enjoyment of the suit property as the absolute owner. This court considers that the Ocular evidence of PW1 and the documentary evidences Ex.A1 to Ex.A2, Ex.A4 to Ex.A6 produced on behalf of the plaintiff clinchingly establish the plaintiff's title, possession and enjoyment as on date of the suit. Hence, the plaintiff has discharged her initial burden of proof under Section 101 and 102 of the Indian Evidence Act regarding the possession of the suit properties.

23. The PW1 has specifically deposed in chief examination that the defendants are strangers and they had attempted to trespass into the property and same was averted. Whiles, to substantiate the dispute between the parties, she filed Ex.A4 Complaint given by the 1st defendant to the Registration department. This court finds that the disturbance of the defendants is evidenced from the ocular evidence of PW1 and duly proved. It is a well established principle of law that the possession of a true owner cannot be disturbed. This Court is of the considered view that the plaintiff has already initially discharged her onus of proof regarding the conveyance of the title in favour of the Plaintiff and hence, no person has any right to interfere with the possession of the suit properties.

24. This Court finds that the oral as well as documentary evidence led by plaintiff remains uncontroverted and unchallenged as the defendants have been failed to cross examine the PW1 or let in any evidence on their side. This Court finds no ground to disbelieve the testimony of plaintiff witness. In view of unrebutted and unchallenged oral and documentary evidence led by plaintiff, it deserves to be accepted on its face value.

25. Further, it is a well laid down law of the land, that there cannot be any perpetual injunction under Section 38 of the Specific Relief Act, until the Plaintiff has duly explained and substantiated the alleged threat of dispossession and the loss caused to her or the manner in which it is not compensatable in terms of money or how it avoid multiciplity of judicial proceedings.

26. On careful analysis of the oral and documentary evidence available record, this court decides that the plaintiff having established her case and the lack of authority on the part of the defendants to interfere with the possession and enjoyment of the suit properties or disturbing the plaintiff except as per law, the plaintiff is entitled to a decree of permanent injunction. Hence, this Court comes to the conclusion that the plaintiff is entitled to the relief as prayed for. Now the issue No.1 to 3 are answered accordingly in favour of the Plaintiff.

Issue No.4: Other Relief

27. This court considers that as the issue No.1 to 3 are answered in favour of the Plaintiff, she is not entitled to any other relief.

28. Considering the nature of the case and the relief sought for, this Court is of the considered view that the suit is filed due to the interference of the Defendants. Hence, the defendants 1 to 4 are jointly and severally liable to pay the cost of the suit to the Plaintiff.

RESULT:

In the result, this suit is decreed with costs and

i) a permanent injunction is granted in favour of the Plaintiff restraining the defendants 1 to 4 and their men and agents from in any way interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

ii) the Defendants 1 to 4 shall jointly and severally pay the cost of the suit to the Plaintiff.

Dictated to the steno typist partly, who directly typed the same in her Computer and partly typed by me, corrected and pronounced by me in open court, this the 19th day of November 2025.

**PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.**

Plaintiff's side Witness:

PW1 - Radha

Plaintiff's side Exhibits:

Ex.A1	Sale deed dated 29.12.2011	Certified copy
Ex.A2	Patta No 99 dated 31.01.2019	Certified copy
Ex.A3	The Water tax receipt (2 nos)	Original
Ex.A4	The petition given by 1 st defendant to the 5 th defendant dated 01.11.2017	Photocopy
Ex.A5	The Ration card	Photocopy Compared with original
Ex.A6	Aadhar card	Photocopy Compared with original
Ex.A7	EB receipt and card	Original
Ex.A8	Sale deed dated 17.10.1929	Certified copy
Ex.A9	Sale deed dated 29.03.1930.	Certified copy
Ex.A10	Sale deed dated 16.09.1931	Certified copy
Ex.A11	Sale deed dated 19.02.1938.	Certified copy
Ex.A12	Sale deed dated 06.05.1953.	Certified copy
Ex.A13	Sale deed dated 06.05.1953.	Certified copy

Ex.A14	Partition koor chit dated 16.10.1983	Original
Ex.A15	Sale deed dated 12.10.1987	Original

Defendant's Side Witness and Exhibits: NIL

**PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM.**