

IN THE COURT OF DISTRICT MUNSIF, POLUR.

TIRUVANNAMALAI DISTRICT.

Present: **Tmt.B.Salma, B.A., B.L.(Hons)**

District Munsif, Polur.

Wednesday, the 29th day of April 2026

ORIGINAL SUIT NO. 27/2022

CNR.No.TNTM06-000037-2022

P.Rekha

..... Plaintiff.

Vs.

1.K.Vijayakumar

2.K.Ravi

3.K.Palani

4.Sub Registrar, Polur

.....Defendants.

This suit came up before me for the final hearing on 20.04.2026 in the presence of Thiru.E.Yuvaraj, Advocate for the plaintiff and Thiru.D.Pandian, Advocate for the 4th Defendant and 1 to 3 Defendants were set exparte and Later suit was not pressed against D4, thus having heard Plaintiff side arguments and upon perusal of records and evidences adduces on petitioner side and the case having stood over for the consideration till this day, this court deliver the following:

JUDGMENT

This suit is filed for passing preliminary decree for 1/4th share of the plaintiff over the suit property and for appointment of Advocate Commissioner to allot the 1/4th share over the suit properties having regards given to good and bad nature of the soil and to pass final decree and also for granting permanent injunction against the defendants 1 to 3 not to sell or cause encumbrance over the suit property in the favour of any 3rd persons and for Cost.

2. The plaint runs as follows:

(i). The Plaintiff submits that, the Plaintiff and defendants 1 to 3 are brothers and sister, and the suit property was originally belonged to the mother of plaintiff and 1 to 3 defendants namely Sagunthammal W/o.Krishnan by assignment of patta. The said Sagunthammal after enjoying the suit property allotted to her, had died few years ago leaving behind the Plaintiff and 1 to 3 defendants as her legal heirs. The plaintiff and 1 to 3 defendants have been enjoying the suit property jointly without any interruption as a Hindu Joint family property. And further submits the plaintiff and 1 to 3 defendants having disagreement to the suit property, therefore without the knowledge of the plaintiff, in the month of January 2022, 1 to 3 defendants misrepresented to 4th defendant, with the intention of defrauding the plaintiff's 1/4th share in the suit property, tried to transfer the suit property to the 3rd parties. Therefore, the plaintiff has sent a legal notice to 1 to 4 defendants on 29.01.2022. The said notice 1st defendant did not receive the notice, and 2nd and 3rd defendant receiving the notice and however did not sent any reply notice. Even after conducting the panchayat, the 1 to 3 defendants have threatened the plaintiff that "You are the female heir, why do you have the property" and have enslaved the plaintiff and they did not obey the panchayat and the defendants are men of power and money in village. And hence the plaintiff had filed the suit with out any option.

3. The Brief averments of Written statement filed by 4th defendant:

All the facts stated by the plaintiff in the plaint are false. The 4th defendant denies all the averments made by the plaintiff and the plaintiff must be put to strict proof of the same. The defendants submitted that, the plaintiff cannot file a suit directly against the 4th defendant for permanent injunction. The above suit is liable to be dismissed in respect prayer(b) and the plaintiff had filed the suit wrong intention of prevention the revenue incomes to Registration department. Further 4th defendant is an unnecessary party in the suit, and the defendant denies the documents filed by the plaintiff in this suit and the suit is filed false cause of action, Hence this case

liable to be dismissed with cost as per the Section 35(a). Hence this suit must be dismissed with cost.

4. It is seen that on 21.12.2022, the plaintiff had not pressed the suit against D4, and hence the suit was posted for exparte evidence as the D1 to D3 were already set exparte for non appearance.

5. On the side of plaintiff, the plaintiff herself examined as PW1 and Ex.A1 to Ex.A3 were marked and one Palani himself examined as PW2 and no documents were marked and one Santhi herself examined as PW3 and no documents were marked and On the side of the defendants, since the defendants were set exparte, for non appearance in the 1st hearing of the suit. hence there is no defendant side evidence adduced.

6. Heard the learned counsel of the plaintiff. Records perused. This suit is filed for passing preliminary decree for 1/4th share of the plaintiff over the suit property and for appointment of Advocate Commissioner to allot the 1/4th share over the suit properties having regards given to good and bad nature of the soil and to pass final decree and also for granting permanent injunction against the defendants 1 to 3 not to sell or cause encumbrance over the suit property in the favour of any 3rd persons and for Cost.

7. Now the point of determination is whether the plaintiff is entitled for the suit claim as prayed for?

8. Point:

(i). Heard the learned counsel of the plaintiffs. Records perused. In order to prove the case, the plaintiff as herself examined as PW1 by filed the proof affidavit and examined ExA1 to A3. Ex.A1 is the Copy of Aadhar card of the Plaintiff. Ex.A2

is the attested copy of the Natham Nilavarithitta Thuya adangal register extract for the S.No.90/2A in the name of Sagunthala W/o. Krishnan along with Selvamani S/o.Settu, Dharmalingam S/o.pacchiyappa udayar. Ex.A3 is the legal notice dated 29.01.2022 sent to the defendants by the plaintiff for asking her 1/4th share in the suit property, and therefore PW1 deposed that it is necessary to decree the suit as prayed for.

ii)On the side of the plaintiff another witness namely, one Palani examined as PW2 deposed that, he is well aware of plaintiff and defendants. And also about the Patta given to the mother of plaintiff and defendants 1 to 3 with respect to the suit properties and about the death of Sagunthala leaving behind plaintiff and defendants 1 to 3 as her legal heirs and deposed about the joint possession of the suit property by the plaintiff and defendants 1 to 3, and also deposed about the attempt to sell the suit property by the defendants 1 to 3, with out the knowledge of the plaintiff and submits that he is well aware of above facts as being the husband of plaintiff.

iii)It is seen that, another witness namely, one Santhi was examined as PW3, who also deposed in similar terms to PW2 and supported the case of the plaintiff.

iv)It is seen that, the suit property was belonging to the mother of the plaintiff and defendants, and therefore after the death of the mother Sagunthala the property would devolve upon the sons, daughters and husband as per ***Sec.15(1) (a) of Hindu Succession Act, 1956 and all the sons and daughters and husband shall take the property simultaneously as per rule 1 of Sec.6 of Hindu Succession Act, 1956.***

v)Though the plaintiff had stated that 1 to 3 defendants are brothers to her, however had not pleaded anything about the father of the plaintiff and defendants i.e. about the Krishnan, and it is also unclear whether the husband of deceased Sagunthala is alive or died. And thus, in the absence of necessary pleadings and evidence with respect to the status of the husband of deceased Sagunthala, this Court cannot grant the preliminary decree for 1/4th share in the suit property in the favour of the plaintiff. And thus, in view of the above discussion this court is of opinion that, this suit is liable to be dismissed.

9. In the result, the suit is dismissed. No costs.

This judgment was dictated directly to the Typist by me, typed into the computer by her, corrected by me, and pronounced to the open court today the 29th day of April 2026.

District Munsif,
Polur.

Plaintiff side Witness :

- PW1 - P.Rekha (Plaintiff)
- PW2 - Palani (3rd person)
- PW3 - Santhi (3rd person)

Plaintiff side Documents :

Ex.A1	-	Copy of Aadhar card of the Plaintiff. Ex.A2 is the Ex.A3 is the for asking her 1/4th share in the suit property, and therefore PW1 deposed that it is necessary to decree the suit as prayed for
Ex.A2	-	Attested copy of the Natham Nilavarithitta Thuya adangal register extract for the S.No.90/2A in the name of Sagunthala W/o. Krishnan along with Selvamani S/o.Settu, Dharmalingam S/o.pacchiyappa udayar.
Ex.A3	29.01.2022	legal notice dated 29.01.2022 sent to the defendants by the plaintiff

Defendants side witness and documents: Nil

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