

TNTS080001612020



IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, SANKARANKOVIL

**Present: Tmt. M. Alima, B.A., LL.M.,
Principal District Munsif,
Sankarankovil.**

Monday, the 20th day of July, 2026

O.S. No.131 of 2020

1. Mariyappan
2. Shanmugathai
3. Sivakumar

..... Plaintiffs

Versus

1. Thangavelu (Deceased)
2. Mariyappan
3. Mariammal
4. Avudaiammal
5. Subbulakshmi
6. Maheswari

..... Defendants

(Defendants 3 to 6, being the legal heirs of the deceased 1st Defendant, were impleaded as per the order dated 28.07.2023 in I.A.No.04 of 2022, and the plaint was amended pursuant to the order dated 15.11.2023 in I.A.No.06 of 2023.)

(The name of the 4th Defendant was corrected based on the Plaintiffs' memo dated 05.02.2025.)

This suit came up for final hearing before this court on 18.06.2026. Mr.R.S.S.Pradhapraj, learned counsel, appeared for the Plaintiffs. The 1st Defendant having died, Mr.M.Suresh, learned counsel, appeared for Defendants 2 to 6. As the Defendants failed to file their written statement, they were set exparte by this Court on 20.03.2025. Upon consideration of the pleadings, the oral and documentary evidence adduced by the Plaintiffs and the arguments advanced on behalf of the Plaintiffs, this Court delivers the following,

JUDGMENT

The present suit has been instituted by the Plaintiffs under Order VII Rule 1 of the Code of Civil Procedure seeking:

- (i) a decree of Permanent Injunction restraining Defendants 2 to 6, their legal heirs, men, agents or anybody claiming through them from in any manner interfering with the peaceful possession and enjoyment of the 1st Schedule property by the 1st Plaintiff;
- (ii) a decree of Permanent Injunction restraining Defendants 2 to 6, their legal heirs, men, agents or anybody claiming through them from in any manner interfering with the peaceful possession and enjoyment of the 2nd Schedule property by Plaintiffs 2 and 3; and
- (iii) costs of the suit.

1) Brief averments of the Amended Plaint :-

The Plaintiffs have averred that the 1st Schedule property originally belonged to one Krishnasamy, son of late Venkitasamy Naicker, as his ancestral property and stood in Patta No.43. The said Krishnasamy, acting for himself and as guardian of his then minor children, sold the 1st Schedule property to the 1st Plaintiff under a registered Sale Deed dated 08.07.2002 for valuable consideration. Since the date of purchase, the 1st Plaintiff has been in exclusive possession and enjoyment of the said property. It is further stated that the 2nd Schedule property also originally belonged to

the said Krishnasamy under Patta No.43. He sold the same to one Samuthiraraj under a registered Sale Deed dated 08.07.2002 for valuable consideration. Samuthiraraj remained in possession and enjoyment of the property until his death about six years prior to the institution of the suit, leaving behind his wife, the 2nd Plaintiff, and his son, the 3rd Plaintiff, as his Class-I legal heirs under the Hindu Succession Act. Thereafter, Plaintiffs 2 and 3 have been in possession and enjoyment of the 2nd Schedule property. The Plaintiffs further contend that Patta No.43 stands in the names of the 1st Plaintiff and the deceased Samuthiraraj in respect of their respective properties and that they have been paying kist and enjoying the properties by cultivating lemon and jasmine plants and by utilizing the trees grown thereon. According to the Plaintiffs, none except them has any right or interest over the suit schedule properties. Defendants 1 and 2 are brothers, and the 1st Defendant, being a former Panchayat President of Manalur Village, wields considerable influence. From 07.09.2020 onwards, Defendants 1 and 2 attempted to interfere with the Plaintiffs' peaceful possession by preventing them from harvesting the crops and cutting the fence trees. Though the Plaintiffs lodged a complaint before the police, they were advised to seek appropriate civil remedies. Hence, the present suit.

2) Since the Defendants failed to file any written statement, they were set ex parte by this Court on 20.03.2025.

3) On behalf of the Plaintiffs, the 1st Plaintiff examined himself as P.W.1. Through P.W.1, Exhibits A1 to A5 were marked. No witness was examined on behalf of the Defendants and no document was marked on their side, as they remained ex parte throughout the proceedings.

4) Point for Determination :-

5) Whether the Plaintiffs are entitled to the reliefs of Permanent Injunction as prayed for in the plaint?

6) The burden lies upon the Plaintiffs to establish that they were in lawful possession and enjoyment of the suit schedule properties as on the date of institution of the suit and that the Defendants attempted to interfere with such possession.

7) The oral evidence of P.W.1 clearly narrates the origin of title, the subsequent conveyances in favour of the 1st Plaintiff and Samuthiraraj, the succession of Plaintiffs 2 and 3 after the death of Samuthiraraj, and the continuous possession and enjoyment of the suit properties.

8) The oral testimony is fully corroborated by the documentary evidence. Ex.A1 establishes that the suit properties originally stood in the name of Krishnasamy under Patta No.43. Ex.A2 evidences the conveyance of the 1st Schedule property in favour of the 1st Plaintiff through a registered instrument. Similarly, Ex.A3 evidences the conveyance of the 2nd Schedule property in favour of Samuthiraraj. Ex.A4, the Joint Patta, shows that the revenue records stand in the names of the 1st Plaintiff and Samuthiraraj, thereby supporting the Plaintiffs' claim regarding possession. Further, Ex.A5, being the kist receipt, demonstrates continuous payment of land revenue, which also supports the Plaintiffs' possession over the suit properties.

9) The Defendants have neither filed any written statement nor entered the witness box. Consequently, the evidence adduced by the Plaintiffs has remained un rebutted and unchallenged.

10) It is well settled that in a suit for bare permanent injunction, the primary consideration is possession as on the date of institution of the suit. Although title may incidentally arise, the Court is mainly concerned with determining whether the

Plaintiff was in lawful possession and whether there was interference or threat of interference by the Defendants.

11) In the present case, the Plaintiffs have produced registered sale deeds, revenue records and kist receipts, all of which consistently establish their possession over the respective schedule properties. There is absolutely no evidence on record to discredit these documents.

12) The Defendants, despite having entered appearance initially, chose not to contest the proceedings by filing a written statement or adducing evidence. Therefore, an adverse inference has to be drawn against them. In the absence of any rebuttal evidence, there is no reason to disbelieve the testimony of P.W.1.

13) The evidence on record clearly establishes that the Plaintiffs are in lawful possession and enjoyment of the suit schedule properties and that the Defendants attempted to interfere with such possession. Accordingly, the Plaintiffs have successfully established their entitlement to the equitable relief of permanent injunction.

14) Hence, the point for determination is answered in favour of the Plaintiffs.

15) In the result,

1. The suit is decreed with costs.
2. A decree of Permanent Injunction is granted restraining Defendants 2 to 6, their legal heirs, agents, servants, men or anybody claiming through or

under them from in any manner interfering with the peaceful possession and enjoyment of the 1st Schedule Property by the 1st Plaintiff.

3. A decree of Permanent Injunction is also granted restraining Defendants 2 to 6, their legal heirs, agents, servants, men or anybody claiming through or under them from in any manner interfering with the peaceful possession and enjoyment of the 2nd Schedule Property by Plaintiffs 2 and 3.

This Judgment was dictated by me to the Stenographer, transcribed directly on the computer by her, duly corrected, signed and pronounced by me in open Court on this the 20th day of July, 2026.

Principal District Munsif
Sankarankovil.

I. Witness Examined on the Plaintiffs' Side:-

P.W.1 – Mr. Mariyappan (1st Plaintiff)

II. Documents Marked on the Plaintiffs' Side:-

Exhibit	Date	Description
Ex.A1	07.05.2002	Original Patta No.43 standing in the name of Krishnasamy issued by the Deputy Tahsildar, Sankarankovil Division.
Ex.A2	08.07.2002	Original Registered Sale Deed executed by Krishnasamy, for himself and as guardian of his minor sons, in favour of the 1st Plaintiff in respect of the 1 st Schedule property.
Ex.A3	08.07.2002	Original Registered Sale Deed executed by Krishnasamy, for himself and as guardian of his minor sons, in favour of Samuthiraraj in respect of the 2 nd Schedule property.

Exhibit	Date	Description
Ex.A4	16.06.2020	Computer-generated copy of the Joint Patta standing in the names of the 1st Plaintiff and Samuthiraraj in respect of the suit schedule properties.
Ex.A5	09.02.2015	Original Kist Receipt standing in the name of Mariyappan and others.

III. Witnesses Examined and Documents Marked on the Defendants' Side:- -Nil

Principal District Munsif
Sankarankovil.

PDM Court, SNKL.
O.S.No.131 of 2020
Draft/Fair Judgment
Dated : 20.07.2026.