

**IN THE COURT OF THE 1<sup>st</sup> ADDITIONAL DISTRICT AND SESSIONS  
JUDGE, TIRUVALLUR**

**Present : Tmt. S. TASNEEM, M.L.,**  
1<sup>st</sup> Additional District and Sessions Judge  
Tiruvallur

Wednesday, dated the 22<sup>nd</sup> day of April, 2026

**O.S.No.369 of 2022**

Deepika . . . Plaintiff

/Vs/

1. K.Sumathi  
2. K.Rajalakshmi  
3. Dhanalakshmi . . . Defendants

This suit came up before me for final hearing on 08.04.2026, in the presence of M/s Nathan and Associates, for the plaintiff, and Tr.M.Anbalagan, Learned Counsel for the Defendants 1 and 3; and 3<sup>rd</sup> defendant remained exparte and upon hearing arguments from both sides and perusing the case records, and after standing over for consideration till this day, this Court delivers the following:-

**JUDGMENT**

Suit for declaration, declaring the Settlement Deed dated 16.10.2018 executed by the 3<sup>rd</sup> Defendant in favour of the 1<sup>st</sup> Defendant as null and void and not binding on the plaintiffs, to declare the subsequent Settlement Deed dated 03.02.2020 executed by the 1<sup>st</sup> Defendant in favour of the 2<sup>nd</sup> Defendant as null

and void and not binding on the Plaintiffs; for Mandatory injunction restraining the Defendants, their men, agents or anyone claiming under them from in any manner mutuating, disposing, alienating, encumbering, or dealing with the suit schedule property; and for the costs of the suit.

**2) Brief averments of Plaintiff :-**

The 1st Plaintiff is the daughter and caretaker of the 3rd Defendant Dhanalakshmi. The 3<sup>rd</sup> Defendant has been medically declared mentally challenged. The 3rd Defendant is one of the legal heirs of Late Mr. Jayavel Mudaliar and Mrs. Gajalakshmi along with her siblings including the 1st Defendant. The said Jayavel Mudaliar, who was engaged in dairy business, died on 07.05.1998, after which Mrs. Gajalakshmi managed the family affairs, and the said Gajalakshmi had purchased the suit property out of her own funds under a registered sale deed dated 06.02.1981 (Doc. No. 419/1981) and later executed a rectification deed dated 03.04.1986 (Doc. No. 716/1986). The said Gajalakshmi constructed a residential building with due approval, and remained in continuous possession, paying all taxes, thereby holding absolute ownership. Further, the said Gajalakshmi subsequently, out of natural love and affection, executed a settlement deed dated 06.03.2018 (Doc. No. 2381/2018) in favour of the Plaintiffs, reserving life interest for herself and clearly stipulating that after her lifetime the Plaintiff would become absolute owners and that no other heirs would have any right. Pursuant to the same, the Plaintiff is in joint possession, paying

taxes and maintaining the property without any partition. The plaintiff further submits that the 1st Defendant, taking advantage of the mental incapacity of the 3rd Defendant and the old age and illiteracy of Mrs. Gajalakshmi, fraudulently executed a settlement deed dated 16.10.2018 (Doc. No. 12086/2018) without the knowledge or consent of the Plaintiff, and further executed another settlement deed dated 03.02.2020 (Doc. No. 1079/2020) in favour of the 2nd Defendant, concealing the transactions and thereby unlawfully attempting to usurp the property. The impugned documents are void ab initio as the 3rd Defendant, being mentally incapacitated, was incapable of giving valid consent, the transactions were vitiated by fraud, misrepresentation and undue influence, the witnesses were unaware of the contents, and further the existence of life interest and absence of partition render the transactions invalid; the suit property being the sole source of livelihood of the Plaintiff. Hence, the plaintiff is constrained to file this suit.

**3. Brief averments of the written statement filed by the 2<sup>nd</sup> defendant and adopted by the 1<sup>st</sup> defendant :-**

The suit is not maintainable either in law or on facts and is liable to be dismissed, and denies all the allegations in the plaint except those specifically admitted, putting the Plaintiff to strict proof thereof. While admitting that the Plaintiff is the daughter of the 3rd Defendant and that the Defendants also belong to the same family and are law-abiding citizens. It is specifically denied that the

3rd Defendant is mentally unsound or under the care and custody of the Plaintiff, and it is asserted that she has always been in a sound disposing state of mind. The 3rd Defendant is the daughter of late Jayavelu Mudaliar and Gajalakshmi and that Gajalakshmi purchased the suit property under a registered Sale Deed dated 06.02.1981 and executed a Rectification Deed and constructed a building thereon. The said Gajalakshmi subsequently executed a Settlement Deed dated 05.03.2018 in favour of the Plaintiff and the 3rd Defendant. Since the Plaintiff has not discharged the obligations under the said Settlement Deed, the property remains undivided, and the Plaintiff has been enjoying the entire income from the property without sharing it with the 3rd Defendant and now the plaintiff has filed the suit only to grab the entire benefit, and has also failed to properly care for Gajalakshmi. The 3rd Defendant, being the absolute owner of her share, validly executed the Settlement Deed dated 16.10.2018 in favour of the 1st Defendant out of her own free will and while in a sound state of mind, with Gajalakshmi signing as a witness. The Plaintiff was fully aware of the same at the time of execution, and even thereafter the income was enjoyed by Gajalakshmi during her lifetime. The Defendant denies the allegation of mental incapacity and asserts that the Plaintiff, by undue influence and misrepresentation, has attempted to control the 3rd Defendant and has filed the present suit without any cause of action and even during the lifetime of the executant, rendering the suit not maintainable. The Plaintiff has no right to question the transfer made by a co-sharer in respect of her

lawful share, that the Settlement Deed dated 16.10.2018 was validly executed and acted upon, and that the 1st Defendant, being the absolute owner of her share, subsequently executed a valid Settlement Deed dated 03.02.2020 in favour of the 2nd Defendant, which has also been acted upon. The 3rd Defendant continues to be in a sound state of mind, and no advantage has been taken by the Defendants. The Plaintiff has no locus standi to seek the reliefs, the suit is devoid of merits, lacks cause of action, is filed with mala fide intention and without clean hands, and therefore prays for dismissal of the suit with costs.

4. The following are the issues framed by my predecessor in office on 31.10.2022:-

1. Whether the 3<sup>rd</sup> defendant executed a settlement deed dated 16.10.2018 under document no.1079 of 2018 in a sound disposing state of mind?
2. Whether the plaintiff is entitled to the relief of declaration that the settlement deed dated 16.10.2108 executed by the 3<sup>rd</sup> defendant in favour of the 1<sup>st</sup> defendant is null and void?
3. Whether the plaintiff is entitled to the relief of declaration that the settlement deed dated 03.02.2020 under document no.1079/2020 is null and void?
4. Whether the plaintiff is entitled to the relief of mandatory injunction against the defendant as prayed for?
5. To what other relief the plaintiff is entitled to?

5. On the side of the plaintiff, the plaintiff examined herself as PW1 and through her Ex.A1 to A6. were marked. On the side of the defendants, the 2<sup>nd</sup> defendant examined herself as DW1 and through her Ex.B1 to B3 were marked.

**6. Issues No. 1 to 5:-**

The learned counsel for the Plaintiff would contend that the suit property is the absolute self-acquired property of late Gajalakshmi, who had purchased the same under a registered Sale Deed dated 06.02.1981 and subsequently constructed a residential building thereon, and she remained in continuous possession and enjoyment of the same as its absolute owner. It is further submitted that out of her own free will, love, and affection, she executed a registered Settlement Deed dated 05.03.2018 in favour of the Plaintiff and the 3rd Defendant, reserving life interest for herself, and thereby the Plaintiffs acquired vested rights in the property subject to such life interest. The learned counsel would strongly contend that the subsequent Settlement Deed dated 16.10.2018 alleged to have been executed by the 3rd Defendant in favour of the 1st Defendant is void ab initio, as the 3rd Defendant was not in a sound and disposing state of mind and was incapable of understanding the nature and consequences of the transaction, and therefore could not have given valid consent in the eye of law. It is further argued that the Defendants, taking undue advantage of the mental condition and vulnerability of the 3rd Defendant, have fraudulently obtained the said document

without the knowledge and consent of the Plaintiff and without any lawful justification.

7. The learned counsel would further submit that the very execution of the said document is shrouded in suspicious circumstances, as the original owner Gajalakshmi, despite being aged and illiterate, was made to sign as a witness without understanding the contents, which clearly establishes the fraudulent intention of the Defendants. It is also contended that once the Settlement Deed dated 05.03.2018 came into effect, the 3rd Defendant did not have absolute and unfettered right to deal with the property in a manner prejudicial to the interest of the Plaintiff, especially in the absence of partition, and therefore the subsequent unilateral transfer is legally unsustainable. The learned counsel would also submit that the subsequent Settlement Deed dated 03.02.2020 executed by the 1st Defendant in favour of the 2nd Defendant is a derivative transaction and cannot convey a better title than what the 1st Defendant possessed, and hence the same is also liable to be declared null and void.

8. It is further argued that the Plaintiff has been in possession and enjoyment of the property and has been discharging all obligations, including payment of taxes, and the Defendants, by executing the impugned documents, are attempting to unlawfully interfere with the Plaintiff's peaceful possession and to alienate the property. The learned counsel would emphasize that the cause of action arose when the Plaintiff came to know about the fraudulent execution of

the settlement deeds and the attempts of the Defendants to disturb possession, and hence the suit is perfectly maintainable both in law and on facts. It is also contended that the plea of the Defendants that the 3rd Defendant is of sound mind is a false and self-serving statement, not supported by any credible medical or documentary evidence, whereas the circumstances clearly indicate otherwise.

**9.** The learned counsel would finally submit that the Plaintiff has approached this Court with clean hands and has established a clear legal right over the suit property, and unless the impugned documents are set aside, the Plaintiff would suffer irreparable loss and hardship. Therefore, it is prayed that this Court may be pleased to declare the Settlement Deeds dated 16.10.2018 and 03.02.2020 as null and void and not binding on the Plaintiff, and consequently grant permanent injunction restraining the Defendants from in any manner interfering with the Plaintiff's peaceful possession and enjoyment of the suit property, along with costs of the suit.

**10.** Per contra, the learned counsel for the defendants 1 and 2 would argue that the suit as framed is not maintainable either in law or on facts and is liable to be dismissed in limine, as the Plaintiff has approached this Court with false, misleading, and exaggerated allegations. It is submitted that though the relationship between the parties is admitted, the core allegation of the Plaintiff that the 3rd Defendant is mentally unsound is wholly false, baseless, and unsupported by any acceptable medical evidence. The learned counsel would

emphatically argue that the 3rd Defendant has always been in a sound and disposing state of mind, fully capable of understanding and executing legal documents, and the plea of mental incapacity has been deliberately raised only to invalidate genuine transactions. It is further contended that the suit property originally belonged to Gajalakshmi, who validly executed a registered Settlement Deed dated 05.03.2018 in favour of the Plaintiff and the 3rd Defendant, thereby conferring independent rights upon them. In such circumstances, the 3rd Defendant became the absolute owner of her respective share in the property and was fully competent to deal with the same. Exercising such lawful right, the 3rd Defendant voluntarily and out of her own free will executed the Settlement Deed dated 16.10.2018 in favour of the 1st Defendant, without any coercion, undue influence, or fraud. The said document was duly registered and attested, and significantly, Gajalakshmi herself signed as a witness to the said document, which clearly establishes the genuineness and validity of the transaction. The learned counsel would submit that the Plaintiff was very much aware of the said transaction at the time of its execution and has deliberately suppressed the same. The learned counsel would further argue that the Plaintiff has not complied with the obligations arising out of the earlier Settlement Deed and has been unlawfully enjoying the entire income from the suit property without sharing the same with the 3rd Defendant, thereby acting against equity and good conscience. The present suit has been filed with a mala fide intention to grab the entire property and its

income, and not to protect any genuine legal right. It is also submitted that even after the execution of the Settlement Deed in favour of the 1st Defendant, the income from the property continued to be enjoyed by Gajalakshmi during her lifetime, which demonstrates that the transactions were acted upon in a normal and bona fide manner.

**11.** It is further contended that once the Settlement Deed dated 16.10.2018 was validly executed, the 1st Defendant became the absolute owner of the said share and, in turn, lawfully executed the subsequent Settlement Deed dated 03.02.2020 in favour of the 2nd Defendant. The said transaction being a valid derivative transfer, the 2nd Defendant has acquired valid title, and both the settlement deeds have been duly acted upon. The learned counsel would submit that the Plaintiff has no locus standi to challenge the transfer made by a co-sharer in respect of her lawful share, particularly when the executant herself has not questioned the transaction.

**12.** The learned counsel would also submit that the suit is premature and not maintainable, as it has been filed during the lifetime of the executant without any valid cause of action. The allegations of fraud, undue influence, and misrepresentation are bald and unsubstantiated, lacking specific particulars as required under law. The Plaintiff has not approached this Court with clean hands and has suppressed material facts, and therefore is not entitled to any equitable relief. It is finally contended that the Defendants have not taken advantage of any

person and have acted strictly within their legal rights, and hence the suit is devoid of merits and liable to be dismissed with costs.

13. **Findings on Issues :-**

The plaintiff during the course of her evidence narrated the same facts as stated in the plaint. In support of the plaintiff's case, the plaintiff marked six exhibits. Ex.A1 is the photo copy of Aadhar card of the plaintiff. The Ex.A2 is the Regn copy of settlement deed executed by Gajalakshmi, i.e., grandmother of the plaintiff in favour of the plaintiff and 3<sup>rd</sup> defendant dated 06.03.2018. Ex.A3 is the settlement deed executed by the 3<sup>rd</sup> defendant in the name of the 1<sup>st</sup> defendant dated 16.10.2018. Ex.A4 is the settlement deed dated 03.04.2020 executed by the 1<sup>st</sup> defendant in favour of the 2<sup>nd</sup> defendant. Ex.A5 is the Medical Records of the 3<sup>rd</sup> defendant. Ex.A6 is the Death Certificate of Gajalakshmi. It is the specific contention of the Plaintiff that the 3<sup>rd</sup> Defendant is a mentally unsound person and therefore incapable of executing any valid document. The said contention is stoutly denied by the Defendants 1 and 2. In such circumstances, the burden squarely lies upon the Plaintiff, in terms of Sections 101 to 103 of the Indian Evidence Act, 1872, to establish that the 3<sup>rd</sup> Defendant was of unsound mind at the relevant point of time.

14. It is a settled proposition of law that the burden of proving unsoundness of mind lies squarely upon the party who asserts it, and such burden must be discharged by cogent and convincing evidence, particularly by medical or

expert testimony. In *Anathula Sudhakar v. P. Buchi Reddy* (2008) 4 SCC 594, the Hon'ble Supreme Court reiterated that a party seeking to invalidate a document must establish a clear legal basis with acceptable evidence. Further, in *Rangammal v. Kuppuswami* (2011) 12 SCC 220, the Hon'ble Supreme Court held that the burden of proof rests on the person who substantially asserts the affirmative of the issue, and mere pleadings or allegations cannot substitute proof. In *Krishna Mohan Kul v. Pratima Maity* (2004) 9 SCC 468, it has been held that a registered document carries a presumption of validity and due execution, and the onus lies heavily on the person who challenges it to rebut such presumption. Applying the said principles, in the absence of any acceptable medical evidence or independent testimony to prove that the 3rd Defendant was of unsound mind at the time of execution of the document, the contention of the Plaintiff cannot be sustained in law.

**15.** In order to substantiate the said plea, the Plaintiff has produced a photocopy of a medical record alleged to have been issued by the Mental Health Hospital, Chennai, marked as Ex.A5. A perusal of the said document reveals that it merely contains a general observation that the 3rd Defendant was having "behavioural issues". The said document does not certify that the 3rd Defendant was suffering from unsoundness of mind, nor does it indicate that she was incapable of understanding or executing legal documents. It is well settled that mere proof of treatment or behavioural abnormality is not sufficient to establish

legal incapacity or unsoundness of mind, which must be of such a degree as to render a person incapable of understanding the nature and consequences of the transaction.

**16.** Further, the Plaintiff, during the course of cross-examination, has not elicited any material to substantiate the plea of mental incapacity. Significantly, the Plaintiff has not chosen to examine any competent medical practitioner or independent witness to prove that the 3rd Defendant was of unsound mind at the time of execution of the document. In cases involving allegations of mental incapacity, medical evidence assumes great importance, and failure to adduce such evidence is fatal to the case of the Plaintiff. The admissions of the plaintiff during her course of cross examination runs as below:-

"புத்தி சுவாதினம் இல்லாத நபர் ஆவணம் எழுதினால் அது செல்லாது என்று சொன்னால் அது பற்றி எனக்கு தெரியாது. செட்டில்மென்ட் பத்திரத்தில் எனது தாயார் புத்திசுவாதினம் இல்லாத இருப்பதால் என்னை பாதுகாப்பாளராக நியமித்ததாக அந்த ஆவணத்தில் சொல்லப்படவில்லை என்றால் சரிதான். ஓரளவிற்கு செட்டில்மென்ட் பத்திரத்தில் உள்ள விவரம் எனக்கு தெரியும். வழக்கு தாக்கல் செய்து ஒரு வருடம் ஆகிவிட்டதால் அதில் உள்ள விவரம் ஓரளவிற்கு தான் தெரியும். எனது தாயார் முதல் பிரதிவாதிக்கு எழுதி கொடுத்த வா.த.சா.ஆ.3 செட்டில்மென்ட் பத்திரத்தில் எனது பாட்டி கஜலட்சுமி சாட்சி கையொப்பம் இட்டுள்ளார் என்றால் எனக்கு அது பற்றி தெரியாது. சார்பதிவாளர் அலுவலகத்தில் நகல் போட்டு வாங்கிய பிறகு எனது பாட்டியின்

கையொப்பம் இருப்பது குறித்து நான் கேட்க முயற்சித்தேன் அவரது வயோதிகம் காரணமாக அவர் சரியாக சொல்லவில்லை. எனது பெயரில் வருவாய் ஆதாரங்கள் காண்பிக்க எந்த ஆவணங்களையும் தாக்கல் செய்யவில்லை. நில அபகரிப்பு பிரிவில் நான் புகார் கொடுத்து உரிமையியல் சம்பந்தப்பட்ட பிரச்சினை என்ற காரணத்தினால் அந்த புகார் மனு முடிக்கப்பட்டது என்றால் சரிதான்."

17. On the contrary, it is an admitted fact that the 3rd Defendant herself executed the Settlement Deed dated 16.10.2018 in favour of the 1st Defendant. The said document is a registered instrument. It is pertinent to note that the mother of the 3rd Defendant, namely Gajalakshmi, has signed as a witness to the said document. If really the 3rd Defendant had been of unsound mind, as alleged by the Plaintiff, the registering authority would not have proceeded with the registration without insisting upon appropriate medical certification or satisfaction as to the mental capacity of the executant. The very fact that the document has been duly registered raises a presumption under Section 114 of the Evidence Act that official acts have been regularly performed.

18. It is also relevant to note that the said Settlement Deed has been acted upon, and no steps have been taken by the executant herself to challenge the same. This further probabalises the case of the Defendants that the document was executed voluntarily and with full understanding. In the absence of any cogent, reliable, and legally acceptable evidence, this Court is unable to accept the bald and unsubstantiated contention of the Plaintiff that the 3rd Defendant is an

unsound person. The Plaintiff has miserably failed to discharge the burden cast upon her. Accordingly, this Court holds that the Plaintiff has failed to prove that the 3rd Defendant was not in a sound and disposing state of mind at the time of execution of the Settlement Deed dated 16.10.2018.

19. The very next contention of the plaintiff is that the 1<sup>st</sup> defendant played fraud and obtained settlement deed from her mother i.e., 3<sup>rd</sup> defendant. It is a well-settled principle that allegations of fraud, undue influence, and misrepresentation must not only be specifically pleaded but also strictly proved by cogent evidence. In *A.C. Ananthaswamy v. Boraiah (2004) 8 SCC 588*, the Hon'ble Supreme Court held that a vague or general plea of fraud is not sufficient and that the same must be proved with clear and convincing evidence. Further, in *Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib (1967) 1 SCR 331*, it has been held that the burden of proving undue influence lies on the person who alleges it, and such burden is not discharged by mere suspicion or conjecture. In the present case, except making bald allegations, the Plaintiff has not adduced any independent or reliable evidence to establish fraud or undue influence. The registered nature of the document, coupled with the attestation by the mother of the executant, probabalises due execution. Hence, the Plaintiff has failed to discharge the burden cast upon her.

20. Now, coming to the validity of the settlement deed dated 03.02.2020 is concerned, Once the validity of the parent Settlement Deed dated 16.10.2018 is

upheld, the subsequent transfer made by the 1st Defendant in favour of the 2nd Defendant cannot be independently assailed. It is a settled principle that a transferee derives title from the transferor, and when the root of title is valid, the derivative transaction also stands protected. In *Prem Singh v. Birbal* (2006) 5 SCC 353, the Hon'ble Supreme Court held that a document cannot be declared void merely on the basis of allegations unless the same is proved in accordance with law. In the present case, as the Plaintiff has failed to establish any illegality in the earlier transaction, the subsequent Settlement Deed dated 03.02.2020 is also valid and binding.

**21.** Further, a registered document carries with it a presumption of valid execution, and the burden shifts to the person challenging it to rebut the same. In *Thiruvengada Pillai v. Navaneethammal* (2008) 4 SCC 530, the Hon'ble Supreme Court held that once execution is admitted or proved, the presumption of due execution arises, and the onus shifts to the challenger. In the present case, the Defendants have relied upon a registered document, and no contra evidence has been produced by the Plaintiff. Hence, the presumption remains unrebutted, and the execution must be held to be voluntary and valid.

**22.** Even though the plaintiff contends the settlement deed was not executed voluntarily and in a sound state of mind, the plaintiff failed to prove the same. Because, a registered document carries with it a presumption of valid execution, and the burden shifts to the person challenging it to rebut the same. As

discussed supra in ***Thiruvengada Pillai v. Navaneethammal (2008) 4 SCC 530***, the Hon'ble Supreme Court held that once execution is admitted or proved, the presumption of due execution arises, and the onus shifts to the challenger. In the present case, the Defendants have relied upon a registered document, and no contra evidence has been produced by the Plaintiff. Hence, the presumption remains un rebutted, and the execution must be held to be voluntary and valid.

23. Further, the learned counsel for the defendants would contend that the plaintiff has no locus standi to challenge the said deeds. It is a settled position of law that a co-sharer is entitled to deal with her undivided share, and another co-sharer cannot question such transfer unless legal infirmities are strictly established. In ***Kartar Singh v. Harjinder Singh (1990) 3 SCC 517***, the Hon'ble Supreme Court held that a co-owner has a right to alienate his or her share in the joint property. In the present case, the 3rd Defendant, being a co-owner, has validly dealt with her share, and the Plaintiff, having failed to prove any legal infirmity, has no locus standi to challenge the same.

24. Further, it is a cardinal principle that a party seeking equitable relief must come to Court with clean hands. In ***S.P. Chengalvaraya Naidu v. Jagannath (1994) 1 SCC 1***, the Hon'ble Supreme Court held that suppression of material facts disentitles a party from any relief. In the present case, the Plaintiff has made unsubstantiated allegations regarding mental incapacity and has failed to disclose material aspects relating to the knowledge of transactions. The above citation

squarely applies to the present facts of case in hand. Further, a suit must be founded on a valid cause of action, supported by legally admissible evidence. In **T. Arivandandam v. T.V. Satyapal (1977) 4 SCC 467**, the Hon'ble Supreme Court held that frivolous and vexatious suits lacking a real cause of action must be rejected at the threshold. In the present case, the Plaintiff has failed to establish any legal injury or enforceable right. The challenge to a registered document without proper proof renders the suit unsustainable. Hence, this Court is of the view that the Plaintiff is not entitled to any equitable relief.

25. Now coming to fact whether the plaintiff is entitled for the relief of declaration and mandatory injunction is concerned, it is settled law that relief of declaration and injunction cannot be granted in the absence of proof of legal right and infringement. In **Anathula Sudhakar v. P. Buchi Reddy (2008) 4 SCC 594**, the Hon'ble Supreme Court has clearly laid down the circumstances under which declaratory and injunctive reliefs can be granted. In the present case, the Plaintiff has failed to establish any valid ground to set aside the impugned documents.

26. Further, it is also pertinent to note that mere allegation of mental incapacity, without seeking appropriate declaratory relief or without initiating any proceedings under the relevant provisions governing persons of unsound mind, weakens the very foundation of the Plaintiff's case. In **Prem Singh v. Birbal (2006) 5 SCC 353**, the Hon'ble Supreme Court has clearly held that a registered document remains valid and operative unless it is set aside by a competent Court

of law, and the burden lies heavily on the person who seeks to avoid it. Further, in **Ranganayakamma v. K.S. Prakash (2008) 15 SCC 673**, it has been held that a document executed by a person is presumed to be valid unless strong evidence is adduced to prove lack of free consent. It is equally well settled under Section 92 of the Indian Evidence Act, 1872, that once the terms of a written and registered document are clear, oral evidence cannot be adduced to contradict or vary its contents, except under limited circumstances which must be strictly proved. In the present case, the Plaintiff seeks to invalidate a solemn registered instrument without satisfying the strict requirements of law.

27. Further, it is relevant to observe that when a plea of undue influence is raised, the relationship between the parties must be shown to be such that one party was in a position to dominate the will of the other, as contemplated under Section 16 of the Indian Contract Act, 1872. In **Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib (1967) 1 SCR 331**, the Hon'ble Supreme Court held that the mere existence of a relationship does not raise a presumption of undue influence, and the same must be affirmatively established. In the present case, no such evidence has been adduced.

28. It is also a settled principle that non-examination of material witnesses gives rise to an adverse inference under Section 114(g) of the Evidence Act. The Plaintiff, having failed to examine any doctor or independent witness to prove the alleged unsoundness of mind, invites such adverse inference. Moreover,

when a party withholds the best available evidence, the Court is justified in drawing an inference against such party. Thus, applying the above settled principles, this Court finds that the Plaintiff has not only failed to discharge the burden of proof but has also attempted to unsettle a validly executed and acted upon registered transaction without any legal basis, which cannot be countenanced in law.

**29.** Upon a careful consideration of the pleadings, oral and documentary evidence, and the rival submissions made on either side, this Court finds that the entire case of the Plaintiff hinges upon the plea that the 3rd Defendant was not in a sound and disposing state of mind and that the impugned Settlement Deeds are vitiated by fraud, undue influence, and misrepresentation. However, as already discussed in the foregoing issues, the Plaintiff has failed to substantiate the said plea by producing any cogent, reliable, and legally acceptable evidence. The mere production of a photocopy of a medical record indicating “behavioural issues” does not, in the considered opinion of this Court, establish legal unsoundness of mind so as to invalidate a registered document. The Plaintiff has also failed to examine any competent medical expert or independent witness to prove the alleged incapacity of the 3rd Defendant, which is fatal to her case.

**30.** On the contrary, the admitted facts reveal that the 3rd Defendant herself executed the Settlement Deed dated 16.10.2018 in favour of the 1st Defendant, and the same is a registered document. It is a settled principle of law

that a registered document carries with it a presumption of validity and due execution, and the burden lies heavily upon the person who challenges it to rebut the same with clear and convincing evidence. In the present case, such burden has not been discharged by the Plaintiff. The fact that the mother of the 3rd Defendant has signed as a witness to the said document further strengthens the case of the Defendants that the transaction was voluntary and genuine. Moreover, the document has been acted upon, and the subsequent Settlement Deed dated 03.02.2020 executed by the 1st Defendant in favour of the 2nd Defendant is only a consequential transaction flowing from a valid root of title.

**31.** This Court also finds considerable force in the contention of the Defendants that the Plaintiff, being only a co-sharer, cannot question the valid transfer made by another co-sharer in respect of her lawful share, in the absence of proof of fraud, coercion, or incapacity. The Plaintiff has not established any such legal infirmity. Further, the conduct of the Plaintiff in making unsubstantiated allegations and suppressing material facts disentitles her from seeking equitable relief. It is a cardinal principle that one who seeks equity must come to Court with clean hands, and failure to do so is sufficient to deny the reliefs sought.

**32.** It is also pertinent to note that the suit has been filed without establishing any valid cause of action. The Plaintiff has failed to demonstrate any legal injury or infringement of a legally enforceable right. The challenge to a

registered document, without strict proof as required under law, cannot be entertained. The settled legal position, as laid down by the Hon'ble Supreme Court, is that allegations of fraud, undue influence, or mental incapacity must be specifically pleaded and strictly proved, and in the absence of such proof, the sanctity attached to registered documents cannot be lightly disturbed. In view of the above discussion and findings, this Court is of the considered opinion that the Plaintiff has utterly failed to prove her case and is not entitled to any of the reliefs sought for. The suit is devoid of merits and is liable to be dismissed and thus the Issues are answered against the plaintiff.

**In the result, the suit is dismissed with costs.**

Dictated to the Steno-typist, directly typed by her in the computer, corrected and pronounced by me in the open court this the 22<sup>nd</sup> day of April 2026.

I-Additional District and Sessions Judge  
Tiruvallur

Plaintiffs side Witnesses:

PW1 - Deepila - Plaintiff

Plaintiffs side Exhibits:-

Ex.A1 ---- Xerox copy of Aadhar card of plaintiff

Ex.A2 06.03.2018 Certified copy of Settlement deed infavour of 1<sup>st</sup> plaintiff and 3<sup>rd</sup> defendant

Ex.A3 defendant	16.10.2018	Certified copy of settlement deed infavour of 1 <sup>st</sup>
Ex.A4 defendant	03.02.2020	Certified copy of settlement deed infavour of 2 <sup>nd</sup>
Ex.A5	----	Copy of medical documents 3 <sup>rd</sup> defendant
Ex.A6	----	Certified copy of death certificate of Gajalakshmi

Defendant side Witnesses :-

DW1 - Sumathi - 1<sup>st</sup> defendant

Defendant side Exhibits :-

Ex.B1	06.03.2018	Copy of settlement deed infavour of 1 <sup>st</sup> plaintiff and 3 <sup>rd</sup> defendant
Ex.B2	03.02.2020	Copy of settlement deed infavour of 2 <sup>nd</sup> defendant
Ex.B3	16.10.2018	Copy of settlement deed

I-Additional District and Sessions Judge  
Tiruvallur