

IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE, PONNERI

**Present: Thiru.D.Baskar, B.Com., B.L.
Additional Sub Judge, Ponneri.**

Dated this 30th day of March 2023, Thursday

O.S.No.96 of 2021

(CNR No.TNTR100006742021)

1. Munusamy

2. Magesh

..... Plaintiffs

Vs

Thangaprakash

..... Defendant

The suit having stood over for consideration till this date came up finally before me on 29.03.2023 in the presence of M/s Sai Associates, S.Vijay Anand and S.Murugadoss, learned counsels for the plaintiff and the defendant having remained exparte, upon perusing the documents, evidence and after hearing the plaintiff side this court today doth deliver the following:

EXPARTE JUDGMENT

This suit has been filed by the plaintiffs Under Order VII Rule 1 r/w Sec.26 of CPC, for permanent injunction restraining the their men, agents, person or persons claming under or through them from interfering with the plaintiff's peaceful possession and enjoyment of the suit property and for cost.

1. Brief averments made in the plaint are as follows:

The plaintiff states that the 1st plaintiff wife and 2nd plaintiff mother of Muniyammal, she had first married Mr.Ramanathan and the defendant born to them,

and Muniyammal left her first husband, and she married for second time, the 1st plaintiff and 2nd plaintiff born him 2nd husband of Muniyammal. The Muniyammal and the plaintiffs lived in hut on Government land at Paranambedu Village, she got electricity connection and Panchayat house tax receipt, the Government on basis issued by patta name of Muniyammal. The plaintiffs have been in continuous and uninterrupted possession and enjoyment of the suit property and the plaintiffs had paid house tax and the plaintiffs and Muniyamal build a house by a hard work and live without anyone intervention.

The last year the Muniyammal was ill health, that the son of the first husband will cause any trouble to this suit property in which think about that advanced and so an she executed for unregister will dated in 07.02.2020 in favour of the 2nd plaintiff in the situation she was died in 19.08.2020.

In the first week of June 2021, the defendant tried to keep is cot utensils in the plaintiffs house, the plaintiffs objected to this the defendant heard this knock the ugly scolding made them disgusted. The 1st plaintiff immediately gave a police complaint against the defendant for his illegal and unlawful encroachment into the suit property for which, the Sub Inspector of police issued a CSR copy on 09.06.2021, at the end of enquiry, the police officials advised the plaintiffs and the defendant to approach the civil court to decide the matter and further the police warned the defendant not to continue his attempt in dispossessing the plaintiff from the suit property and directed the defendant to maintain status quo and as such as status quo is maintained in the

suit property temporarily due to interference of the police officials and their warning and the plaintiff is continuing his possession over the suit property till date.

Eventhough, the attempts made by the defendant were thwarted, and he openly threatened that they will dispossess the plaintiffs and her family from the suit property within a month and went off from the police station. Hence to safeguard the suit property from the highhandedness of the defendant this suit has been filed for permanent injunction restraining the defendant and their men interfering the plaintiffs peaceful possession and enjoyment of the suit property.

2. The summons was served to the defendants and they were called absent and set exparte on 08.02.2023.

3. On the side of the plaintiffs, the plaintiff two witness were examined and Ex.A1 to Ex.A17 were marked.

4. Points for consideration is:

Whether the plaintiff is entitled for the relief as prayed for?

5. Point:

Heard the petitioner side. I have gone through entire records carefully. The suit has been filed for permanent injunction against the respondent. The plaintiffs mother Mrs.Muniyammal, got first married Mr.Ramanathan, the defendant is the son of the 1st husband and the plaintiffs are the sons of the 2nd husband. Mrs.Muniyammal and her sons/plaintiffs were possession and enjoyment of the suit property. After demise of the plaintiffs mother Mr.Muniyammal, the plaintiffs become absolute owner of the suit property and he is in continuous possession of the suit property without any

hindrance and paying all taxes to till date. In the last week of June 2021, the defendant was illegal and unlawful encroachment into the suit property, hence the plaintiff was given police complaint and obtained a CSR on 09.06.2021. The police officials warned the defendant and directed them to maintain status quo in the suit property and also directed the parties to approach the civil court for remedy, and the defendant was openly threatened they will dispossess the plaintiffs and his family members from the suit property. Hence this suit.

6. In order to prove the case of the plaintiffs, two witness was examined and the 2nd plaintiff was examined as PW.1 and Ex.A1 to Ex.A17 were marked. Ex.A1 Copy of patta stands in the name of Mrs.Muniyammal, Ex.A2 Electricity Card stands in the name of Mrs.Muniyammal, Ex.A3 to Ex.A12 House Tax receipts on various dates, it would show the tax receipts were is in the name of the 2nd plaintiff and his mother Mrs.Muniyammal. Ex.A13 Will deed, it would show Mrs.Muniyammal has executed a suit property in favour of the 2nd plaintiff. Ex.A14 Copy of Death Certificate of Mrs.Muniyammal. Ex.A15 Copy of CSR, it would show the 1st plaintiff has given complaint against the defendant in Kavarapettai Police Station, Tiruvallur. Ex.A16 and Ex.A17 Copy of the Aadhar card of the 1st plaintiff and 2nd plaintiff. All the documents is in favour of the plaintiffs.

7. The defendant was called absent and set exparte.

8. To disprove the case of the plaintiffs, admittedly the defendant has not appeared before this court contest his case. As there is no contra evidence available to disprove the case of the plaintiffs, in the considered opinion of this court, the plaintiffs are

entitled for the relief as prayed for. Accordingly, the suit is decreed as prayed for. Thus, the point is answered in favour of the plaintiff.

In the result, the suit is decreed as follows

i) *Granting permanent injunction restraining the defendant their men, agents, person or persons claiming under or through them from interfering with plaintiffs peaceful possession and enjoyment of the house along with suit property.*

ii) *No Costs.*

Dictated to the Steno-typist directly and computerized by her, corrected and corrected and pronounced by me in the open court on this 30th day March-2023.

(Sd/- D.Baskar)
Additional Sub Judge,
Ponneri.

Plaintiff side witness:

PW.1. Mrs.Mahesh

PW.2. Mrs.Jaya

Plaintiff side Exhibits:

Ex.A1. Copy of Patta, dated : 19.06.2009.

Ex.A2. Electricity Card, dated : 18.01.2010.

Ex.A3. House Tax Receipt of Mrs.Muniyammal, dated : 04.03.2000.

Ex.A4. House Tax Receipt of 2nd plaintiff, dated : 01.02.2008.

Ex.A5. House Tax Receipt of 2nd plaintiff, dated : 13.11.2008.

Ex.A6. House Tax Receipt of 2nd plaintiff, dated : 19.01.2013.

Ex.A7. House Tax Receipt of Mrs.Muniyammal, dated : 19.01.2008.

Ex.A8. House Tax Receipt of 2nd plaintiff, dated : 03.02.2014.

Ex.A9. House Tax Receipt of 2nd plaintiff, dated : 02.02.2015.

Ex.A10. House Tax Receipt of Mrs.Muniyammal, dated : 24.02.2016.

Ex.A11. House Tax Receipt of Mrs.Muniyammal, dated : 18.02.2018.

Ex.A12. House Tax Receipt of 2nd plaintiff, dated : 18.02.2017.

Ex.A13. Will deed in favour of 2nd plaintiff, dated 07.02.2020.

Ex.A14. Copy of Death Certificate of Muniyammal, dated 19.08.2020.

Ex.A15. Copy of CSR of the 1st plaintiff, dated 09.06.2021

Ex.A16. Copy of Aadhar Card of the 1st plaintiff

Ex.A17. Copy of Aadhar Card of the 2nd plaintiff

Defendant side witness and Exhibits: Nil

(Sd/- D.Baskar)
Additional Sub Judge,
Ponneri.

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