

IN THE COURT OF THE DISTRICT MUNSIF AT TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated this Tuesday the 24th day of March 2026

OS.No.3 OF 2021

(CNR.No.TNTR21-000003-2021)

K. Elumalai

... Plaintiff

/Versus/

1. P.S. Krishnan

2. The Revenue Divisional Officer, Tiruttani

3. The District Collector, Tirvallur

... Defendants

This suit came up before me for final hearing on 12.03.2026 in the presence of M/s.C.A. Natarajan, Counsel for plaintiff, M/s. K.G.N. Nagapooshanam, Counsel for 1st defendant, M/s Government Pleader appeared for 2nd & 3rd defendants, D2, D3 were set exparty for not filing written statement. Upon hearing Plaintiff's side, closing the defendant side arguments, upon perusing the records, and having stood over for consideration till this day this court delivered the following:-

JUDGMENT

This suit has been filed by the plaintiff for permanent injunction restraining the 1st defendant, his men, agents and servants from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property and for the costs of the suit.

1. **Plaint averments in brief as follows:-**

(a) The suit property and other properties along with house originally belonged to 1st defendant. The 1st defendant got two sons namely the plaintiff and one Murali and one daughter namely Meena. Out of love and affection towards the plaintiff, the 1st defendant executed a registered settlement deed on 21.10.2019 in favour of plaintiff in respect the suit property. The plaintiff

accepted the said gift deed and took possession. Patta changed in the name of plaintiff and paying kist. The plaintiff constructed a house in the corner of the suit property and also ploughing the suit property for raising crops.

(b) The 1st defendant got other 2 acre of lands in his name. The 1st defendant's daughter is residing at Chennai. Upon the instigation of his daughter, the 1st defendant gave a petition before the 2nd defendant office and the 2nd defendant sent a summon to the plaintiff. The plaintiff appeared and gave statement. The 1st defendant proclaims that he would get the suit property and execute a settlement deed for the total extent including the house in favour of his daughter. He has no right to cancel the same at any point of time. The plaintiff vacated his house 6 months ago for the spinal cord problem. Taking advantage of it, the 1st defendant is attempting to interfere the suit property on 10.01.2021. The plaintiff resisted the said unlawful attempts. Hence this suit is filed for permanent injunction against the 1st defendant.

2. **Written Statement filed by the 1st defendant in brief are as follows:-**

(a) The suit is not maintainable either in law or on facts. The suit property and some other properties are the ancestral properties of 1st defendant and his two sons plaintiff Elumalai, Murali and daughter namely Meena. The 1st defendant got the item No.3 and 5 of the suit property and some other property under a registered partition deed dated 12.02.1986. The 1st defendant purchased the remaining suit property and some other property out of the income from the ancestral property. Thus suit property and some other properties are the joint family properties of 1st defendant, plaintiff, his son Murali and his daughter Meena.

(b) The Plaintiff wants to get loan for the joint family and he wanted 0.25 cents of land for construction of house. So the settlement deed is sham and nominal one and it is not acted upon. The settlement deed was executed on compulsion, undue influence and without any independent right. After

execution of settlement deed, the attitude of plaintiff has been totally changed. The plaintiff had cheated and executed the settlement deed in his favour without disclosing the facts, since the defendant is a layman. Hence the settlement deed dated 21.10.2019 is not valid in law and it is not binding on this defendant and his son and daughter. This defendant has no independent right to execute the settlement deed in favour of plaintiff, since the suit property belongs to the joint family of this defendant and his sons and daughter. The settlement deed dated 21.10.2019 was not acted upon. Since it was executed on misrepresentation and cheating, the patta changed in favour of plaintiff is not valid in law and is not binding on this defendant.

(c) The 1st defendant has given a petition to the District Collector, District Social Welfare officer on 02.11.2020 and RDO to cancel the settlement deed dated 21.10.2019 under the Maintenance and Welfare of parents and senior citizens Act. The above petition is pending before RDO, Tiruttani. The plaintiff has not taken possession and he has not constructed any house from his own fund. The house has been constructed from the income of joint family property. This defendant, plaintiff and younger son Murali and his daughter Meena are entitled to get equal share over the suit property and other joint family property. The suit property and other joint family property are not partitioned. The plaintiff has no manner of any independent right over the suit property. The plaintiff never enjoyed the suit property as a absolute owner.

(d) The plaintiff had assaulted the 1st defendant and his son Murali on 05.01.2021 and insisted them to withdraw the petition given to the District Collector and RDO. This defendant has given a complaint to the S.I of Police, Tiruttani to take necessary action. But the said police had no response in this matter. The said Murali is handicapped and he is depending upon this defendant. The said Murali and Meena are to be impleaded as a necessary parties. This suit is bad for nonjoinder of necessary parties. Without seeking

declaration of title, no permanent injunction can be granted. Therefore the suit has to be dismissed with exemplary cost.

3. **Issues:-**

1. Whether the plaintiff is in lawful possession in the suit schedule mentioned property?
2. Whether the plaintiff is entitled for the relief of permanent injunction as claimed for?
3. Whether the suit is bad for not seeking declaration of title relief?
4. Whether the suit is bad for non-joinder of necessary parties?
5. To what other relief the parties are entitled for?

4. In this case on the plaintiff side, the plaintiff has examined himself as Pw1 and Ex.A1 to Ex.A8 were marked. One Jeeva was examined as Pw2. On the defendants side, the 1st defendant Krishnan was examined as Dw1 and Ex.B1 was marked. Son of 1st defendant namely Murali, daughter of 1st defendant namely Meena were examined on the side of defendants as Dw2 and Dw3. The third party document Ex.X1 was marked. Court witness and documents were not produced.

5. **Issues No.1 & 2:-**

The Plaintiffs' counsel submitted that the suit property and other properties originally belonged to 1st defendant. The 1st defendant got two sons namely the plaintiff and Murali (Dw2) and one daughter namely Meena (Dw3). Out of the love and affection the 1st defendant executed a registered settlement deed (Ex.A1) dated 21.10.2019 in favour of plaintiff in respect the suit property. The plaintiff accepted the said gift, took possession, change the Patta in his name and is paying the kists. The plaintiff constructed a house in the corner of the suit property and also raising crops in the remaining portion of the suit property. The 1st defendant got 2 acre of lands in his name. On the instigation of 1st defendant's daughter, the 1st defendant gave a complaint before the 2nd

defendant office. The 1st defendant has no right to cancel the Ex.A1. The plaintiff vacated his house 6 months ago for taking treatment for spinal cord problem, Taking advantage of the same, the 1st defendant is attempting to interfere the suit property. Hence this suit is filed against the 1st defendant. Therefore the counsel for plaintiff prays to decree the suit. Written argument notes filed on the side of plaintiff.

6. In spite of sufficient opportunity given to the 1st defendant, 1st defendant not ready for argument. Hence defendant side argument was closed. According to the 1st defendant the suit property and some other property are the joint family property of 1st defendant, plaintiff, his son Murali and his daughter Meena. The settlement deed has been executed on the compulsion and undue influence. The settlement deed was not acted upon. Since it was executed by cheating, the 1st defendant gave a petition to cancel the settlement deed. The suit property and other joint family property are yet to be partitioned. The plaintiff has no manner of any independent right over the suit property. This suit is bad for nonjoinder of necessary parties. Without seeking declaration of title, no permanent injunction can be granted. Hence the suit has to be dismissed.

7. In order to substantiate his case plaintiff produced Ex.A1 the registered settlement deed dated 21.10.2019 executed by the 1st defendant in favour of plaintiff in respect of suit property. Ex.A2 patta in Patta No.6285, Ex.A3 kist receipt and Ex.A4 house tax receipt are stands in the name of Plaintiff. Ex.A2, Ex.A3 and Ex.A4 shows the possession and enjoyment of plaintiff's over the suit property. Ex.A6 is the Encumbrance certificate. The 1st defendant gave a complaint before the District Social Welfare Officer to cancel the settlement deed. Ex.A5 is the summon issued by the RDO, Tiruttani to the 1st plaintiff.

8. In this case the relationship between the plaintiff and 1st defendant was admitted. Further the Dw1 admitted in his evidence that the suit property is

the self acquired property of 1st defendant. Further one Mr. Murali who is the brother of plaintiff and son of 1st defendant also admitted the signature in the Ex.A1 as an attesor. The signature of Dw2 in Ex.A1 the registered settlement deed was marked as Ex.A7 and Ex.A8. One of the attesor was examined as Pw2 to prove the execution of settlement deed.

9. The 1st defendant contended that the suit property was purchased out of the income from the ancestral property. To prove the same no oral and documentary evidence were produced on the side of defendant.Ex.B1 is the registered partition deed executed between the 1st defendant and his brothers. The plaintiff contended that except the suit property the 1st defendant is having house site in his own. In this aspect the 1st defendant deposed as follows:

"வழக்கு சொத்து தவிர எனக்கு வேறு சொத்துக்கள் 2 ஏக்கர் உள்ளது என்றால் 1 ஏக்கர் என் பெயரில் உள்ளது. அந்த சொத்துக்களுக்கு பட்டா என் பெயரில் வருகிறது என்றால் சரிதான். பட்டா எண்.148, 1072, 5314 ஆகியவை என் பெயரில் உள்ள பட்டாக்கள் என்றால் சரிதான். மேற்படி சொத்துக்கள் தவிர என் மனைவி தனம்மாள் பெயரில் சொத்துக்களை நான் கிரையம் வாங்கியுள்ளேன் என்றால் ஆமாம். தளம்போட்ட சமார் 1530 சதுரடி அளவுள்ள மெத்தை வீடு என் பெயரில் உள்ளது என்றால் ஆமாம். அதன் புல எண்.31/1 என்றால் ஆமாம். புல எண்.29/21 ல் 15 செண்ட்டை நான் ஜூலை 2024ல் ரூ.15 லட்சத்திற்கு விற்பனை என்றால் ரூ.10 லட்சத்திற்கு விற்பனை. நான் யாருக்கு விற்பனை என்றால் செங்கல்வராயனுக்கு விற்பனை."

From the evidence of 1st defendant it is clear that the 1st defendant is having some other properties and he sold some portion of property during the pendency of this suit for his own.

10. In this case it is admitted that the 1st defendant gave a complaint before the District Social Welfare Officer to cancel the settlement deed. In this regard no documents were produced either on the side of plaintiff or defendant to show the result of the enquiry. On the other hand 1st defendant deposed as follows:

"நான் என் மகள் பேச்சை கேட்டு 02.12.2020ல் RDOவிடம் மனு கொடுத்தேன் என்றால் நாணாகதான் மனு கொடுத்தேன். அந்த மனுவின்பேரில் இருவரையும் வருவாய் கோட்டாட்சியர் அழைத்து விசாரித்தார் என்றால் ஆமாம். அதில் விசாரணை பின்பு எந்த நடவடிக்கையும் எடுக்கவில்லை என்றால் நடவடிக்கை எடுக்கிறேன் என்று சொல்லிவிட்டு இறுதியாக வாதிக்கு ஆதரவாக சொல்லிவிட்டார். எங்களை மாவட்ட ஆட்சியரிடம் செல்ல சொல்லிவிட்டார். வருவாய் கோட்டாட்சியர் எனது மனுவின்பேரில் நடவடிக்கை எடுக்க எந்த முகாந்திரமும் இல்லை என்று கூறிவிட்டார் என்றால் இல்லை."

From the evidence of Dw1 it is clear that the petition was given by the 1st defendant before the RDO and the said petition was disposed in favour of plaintiff.

11. The 1st defendant he himself admitted the signature of himself and his son in Ex.A1, in his evidence as follows:

"மேற்படி செட்டில்மெண்ட் ஆவணத்தில் என் சின்ன மகன் முரளி சாட்சி கையெழுத்து போட்டுள்ளார் என்றால் ஆமாம். என்னிடம் காட்டப்படும் வா.சா.ஆ.1 ஆவணத்தில் உள்ள 1 முதல் 8 பக்கங்களில் உள்ள கையெழுத்துக்கள் என்னுடையது என்றால் சரிதான். மேற்படி ஆவணத்தில் 9ம் பக்கத்தில் உள்ளது நான்தான் என்றால் ஆமாம்."

The son of 1st defendant Dw2 Murali also admitted the possession and enjoyment of the plaintiff over the suit property in his evidence as follows:

"என் அண்ணன் ஏழுமலைக்கு என் அப்பா எழுதி வைத்த இணாம் செட்டில்மெண்ட் ஆவணத்தில் உள்ள சொத்தில் என் அண்ணன் மாடி வீடு கட்டியுள்ளார் என்றால் ஆமாம். புல எண்.29/6ல் வாதி ஏழுமலை மாடி வீடு கட்டியுள்ளார் என்றால் ஆமாம். தாவா சொத்திற்கு வாதி பட்டா மாற்றி வரி செலுத்தி வருகிறார் என்றால் 3 புல எண்களுக்கு மட்டும்தான் அவர் வரி செலுத்தி வருகிறார்."

15. The daughter of 1st defendant who is examined as Dw3 was also admitted that the suit properties are the self acquired properties of 1st defendant, and she further deposed that her father is having some other properties in her evidence as follows:

"வழக்கு சொத்துக்கள் அனைத்தும் என் அப்பாவிடம் சொந்தமான சொத்துக்கள் என்றால் சரிதான். ஆவணம் எழுதிய விவரம் எனக்கு நேரடியாக தெரியாது என்றால் சரிதான். ஆவணத்தில் யார் யார் சாட்சிகையெழுத்து போட்டுள்ளார்கள் என்ற விவரம் எனக்கு தெரியாது என்றால் சரிதான். தாவா சொத்து 1 ஏக்கர் 3 செண்ட் போக என் அப்பா பெயருக்கு 2 ஏக்கர் சொத்து இருக்கும் என்றால் சரிதான். அது 2 ஏக்கரா அதற்கு மேலா என்றால் எனக்கு தெரியாது. ஆனால் சொத்து உள்ளது. புல எண்.31/1ல் சுமார் 1531 சதுரடி உள்ள மச்சு வீடு என் அப்பா பெயரில் உள்ளது என்றால் புல எண் தெரியாது. ஆனால் என் அப்பா பெயரில் ஒரு மச்சு வீடு உள்ளது. புல எண்.29/25ல் இருந்த சொத்தை 2024 ஜூலையில் சுமார் 15 லட்சத்திற்கு என் அப்பா விற்றார் என்றால் புல எண் தெரியாது. ஆனால் என் அப்பா விற்ற போது அண்ணனும் கூட இருந்தார்."

From the evidence of Dw1 to Dw3 it is clear that the 1st defendant executed and settled the suit property to plaintiff towards the love and affection and the plaintiff is having the lawful possession over the suit property at the time of filing of this suit. On perusal of Ex.A1 to Ex.A7 it is proved by the plaintiff that plaintiff is in possession and enjoyment of the suit property at the time of filing of this suit.

12. In view of above said discussions, the plaintiff's lawful possession over the suit properties is proved with sufficient oral and documentary evidence. In the above circumstances this Court is of the considered view that the plaintiff has established his case, and he is entitled to the relief of permanent injunction. Hence, the issues No.1 and 2 are decided in favour of plaintiff.

13. **Issues No.3 & 4:-**

The defendant contended that this suit is bad for non joinder of necessary parties and not seeking prayer for declaration. Since the plaintiff proved his possession over the suit property and execution Ex.A1 in this case and further Dw1, Dw2 also admitted the execution of Ex.A1, this court not find any defect in filing suit for permanent injunction. Hence, this issues are answered as against the 1st defendant.

14. **Issue No.5:-**

As the issues No.1 to 4 answered in favour of plaintiff this court is of opinion that the plaintiff is not entitled to any other additional or alternative remedy. On considering the facts and circumstances of the case, both the parties are directed to bear their own costs. Hence the issue No.5 is answered accordingly.

In the result, suit is decreed by granting permanent injunction restraining the 1st defendant, his men, agents and servants from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit schedule property. In view of the facts and circumstances of the case, both parties are directed to bear their own costs.

Dictated to my steno-typist, typed by her directly, corrected and pronounced by me in open Court, the 24th day of March 2026.

District Munsif,
Tiruttani.

Plaintiffs side Witnesses:-

Pw1 – Mr. Elumalai

Pw2 – Mr. Jeeva

Plaintiff's side Exhibits:-

1. Ex.A1 21.10.2019 The registered settlement deed
2. Ex.A2 16.10.2020 The online copy of computer patta in Patta No.6285
3. Ex.A3 19.10.2020 The kist receipt stands in the name of Plaintiff
4. Ex.A4 18.12.2020 The house tax receipt stands in the name of Plaintiff
5. Ex.A5 02.12.2020 The summon issued by the RDO, Tiruttani
6. Ex.A6 16.12.2020 The online copy of Encumbrance certificate
7. Ex.A7 -- The signature of DW2 in the Ex.A1
8. Ex.A8 -- The signature of DW2 in the Ex.A1

Defendants' side Witnesses :-

1. Dw1 – Mr. Krishnan
2. Dw2 – Mr. Murali
3. Dw3 – Mrs. Meena

Defendants' side Exhibits:-

1. Ex.B1 12.02.1986 The certified copy of partitioned deed

Third party Exhibits:-

1. Ex.X1 -- Photo copy of the Adhaar card of Pw2 (compared with original)

The Court Witness and Exhibits:- Nil

District Munsif,
Tiruttani.