

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,

DISTRICT MUNSIF, AMBATTUR.

Friday, the 06<sup>th</sup> day of March 2026.

ORIGINAL SUIT NO. 93 OF 2025

CNR.No.TNTR22 – 000165 - 2025

B.Gnanagurusamy

.....Plaintiff

AND

Mrs.B.Jayaseeli

.....Defendant

This suit having come on 18.02.2026 before me for final hearing in the presence of Shri.Pon. Kannan, R.Murali and S.Janarthanan, learned counsels for the Plaintiff, Defendant was set exparte on 19.08.2025, upon hearing the arguments made by the learned counsels for the plaintiff and perusal of the records, this suit having stood over for consideration till this day, this Court delivers the following:

### J U D G M E N T

1. This suit is filed by the plaintiff seeking for permanent injunction restraining the defendant, her men, relatives, agents, servants or anyone through them or others from evicting the plaintiff from the suit property except by due process of law and render justice.

## CONCISE STATEMENT OF THE PLAINT FILED BY THE PLAINTIFF:

2. The Plaintiff submits that the defendant is his mother and the property described in the Schedule was purchased in the name of the defendant by the funds provided by her husband Balakrishnan as vacant land and the plaintiff had spent about Rs.32 lakhs and constructed a dwelling house and he is residing in the suit property. The plaintiff submits that his relationship with the defendant was very smooth till recently and of late the defendant is quarreling with the plaintiff for everything and the plaintiff has two brothers and one sister and all the siblings of the plaintiff are interested to take away the suit property constructed with the hard earned money of the plaintiff and they are giving pressure through the defendant to evict the plaintiff from the suit property so that they can have an easy cake-walk over this suit property.

3. The plaintiff is always willing for any reasonable settlement and he is not interested in any fight but the defendant is not prepared for any settlement and her only requirement is that the plaintiff should go out of the house. The actual truth is that the plaintiff resides in the suit property for many years and he had developed a good contact and if he is asked to go out suddenly, the plaintiff will be put to great loss and hardship. If the defendant wants to evict the plaintiff, she is always ready to face any legal action and the plaintiff is always ready to face any legal action but instead the defendant is trying to evict the plaintiff from the suit property by force with the help of the brothers of the plaintiff which is not permissible. In fact, one

such effort was made by the plaintiff's brothers on 06.04.2025 to pressurize the plaintiff to vacate and with the help of good hearted neighbours, the plaintiff prevented their illegal attempt. If the plaintiff is evicted by force from the suit property, he will be put to great loss and hardship and hence the suit to protect the possession of the plaintiff that he should not be evicted except by due process of law.

4. **Evidences:** On the side of plaintiff, the Plaintiff has been examined as PW1 himself and Ex.A1 to Ex.A7 documents were marked. The Defendant being exparte, there are no ocular or documentary evidence on their side.

#### **Discussion and Findings:**

5. Heard Plaintiff side and perused the materials placed on record. From the evidence adduced, it is seen that, the suit has been filed by the Plaintiff for the relief of permanent injunction except under due process of law alone. Hence, the important criteria to be looked into this suit is whether on the date of the plaint, the Plaintiff has been in lawful possession of suit property or not.

6. As per Ratio descidendi in **Nainar Pillai and another vs Subbiah Pillai 2008 (3) MLJ 219**, that, **“Onus is upon the plaintiff to prove his case. Decree cannot be granted on the basis of the weakness in defence”**. Hence this Court intends to look into the evidence with regard to how the Plaintiff's are in possession of suit property. On examination of the documents and evidence present before this Court, Ex.A1 is the sale deed in name of Defendant, and Ex.A2 is the death

certificate of father of the Plaintiff. It is observed from Ex.A3 to A7 documents that the address of residence for the Plaintiff is given as the address mentioned in the suit property. It is clear from the above evidence that Plaintiff is not a stranger to the suit property, as he is the son of Defendant.

7. It is clearly observed from the Ex,A6 gas bill receipt in name of Plaintiff dated 24.03.2025, that the Plaintiff has been residing in suit property as on date of filing of suit. Further it is observed that the Defendant has remained exparte and have not let in evidence to disprove the case of the Plaintiff. Hence the blood relationship between the Plaintiff and Defendant is not disproved, and is observed from the documentary evidence submitted by the Plaintiff it is inferred that the Plaintiff is residing in suit schedule property which is in name of the Defendant, by which it is concluded that the Plaintiff has been in lawful possession as on date of filing of suit in the suit schedule property.

8. Further, it has to be established in the case that there is disturbance/hinderance to peaceful possession of Plaintiff in suit property. On perusal of plaint averments it is inferred all the siblings of the plaintiff are interested to take away the suit property constructed with the hard earned money of the plaintiff and they are giving pressure through the defendant to evict the plaintiff from the suit property. As the Defendant has not submitted any defence on receiving the notice of this case, adverse inference is drawn against the Defendant, that the Defendant is trying to evict the Plaintiff from the suit property. Hence it is proved by the Plaintiff that the peaceful possession of

the Plaintiff is disturbed by the Defendant. As it is settled law that even a trespasser who is in settled possession can't be disposed without due process of law, the Plaintiff being the son of Defendant in the suit property cannot be dispossessed except under due process of law. Therefore, this Court come to the conclusion that the plaintiff's possession in respect of the suit property can be dispossessed only under due process of law. Therefore, this Court is of the considered view that the Plaintiff is entitled for the relief of permanent injunction as prayed for.

**RESULT:**

9. In the result, this suit is allowed, and the plaintiff is entitled for permanent injunction restraining the defendant, her men, relatives, agents, servants or anyone through them or others from evicting the plaintiff from the suit property except by due process of law.

Dictated to the steno-typist, typed directly by her in the desktop, corrected and pronounced by me in the open Court on this 06<sup>th</sup> day of March 2026.

**DISTRICT MUNSIF,  
AMBATTUR.**

**PLAINTIFF SIDE WITNESSES:**

PW1 Gnanagurusamy

**PLAINTIFF SIDE EXHIBITS:**

Exhibit A1      12.07.1984      Sale Deed, Doc. No.2982/1984 – Online Certified

		Copy
Exhibit A2	26.11.2006	Death Certificate of Balakrishnan – Online Copy
Exhibit A3	--	Aadhar Card – Photo Copy
Exhibit A4	--	SBI Bank Pass book – Photo Copy
Exhibit A5	--	LPG Gas Book – Photo Copy
Exhibit A6	24.03.2025	Gas Bill - Original
Exhibit A7	--	SBI Bank Letter - Original

**DEFENDANT SIDE WITNESSES AND EXHIBITS: NIL**

**DISTRICT MUNSIF,  
AMBATTUR.**