

TNTS010006382024



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, TENKASI

Present: Thiru.B.Rajavel, B.Sc., B.L.,
Principal District Judge, Tenkasi
Saturday, the 11th day of April 2026

OS No. 31 of 2024

1. Amudha
2. Sangeetha

... Plaintiffs

Versus

1. Panneerselvam
2. Saravanan
3. Petchiammal

... Defendants

This suit is coming on this day for hearing before this court in the presence of and Thiru.K.Duraipandi, Advocate for the Plaintiffs and Thiru.V.Senthil Thirumalaikumar Advocate for the Defendants and Defendants called absent, set exparte and upon hearing Petitioners side, this Court passed the following :

JUDGMENT

This suit has been filed by the plaintiffs seeking partition and separate possession of their alleged 2/5 share in the suit properties and for the cost of the suit.

2. The plaint averments in brief are as follows:

The case of the plaintiffs, in brief, is that the suit properties originally belonged to one Raja Pandithevar and thereafter came into possession and enjoyment of their father Kandasamy. The plaintiffs and defendants are the legal heirs of the said Kandasamy. It is the further case of the plaintiffs that there was an understanding at the time of their marriage that the suit properties would be equally divided among the children, and therefore no dowry or seethanam was given to them. The plaintiffs claim that they were in joint enjoyment of the suit properties along with the

defendants and that the income from the properties was being appropriated by the defendants without sharing the same.

3. Despite repeated demands and issuance of legal notice dated 16.10.2023, the defendants failed to effect partition. Hence, the present suit has been filed seeking partition and separate possession.

4. The brief averments of written statement filed by the defendants are as follows:-

The defendants resisted the suit contending that the suit properties are not ancestral properties but are self-acquired properties of Kandasamy and the 3rd defendant Pechiammal. It is further contended that Kandasamy, during his lifetime, had executed necessary documents including settlement and sale deeds in favour of the defendants and third parties, and therefore the plaintiffs have no subsisting right over the suit properties. The defendants also denied joint enjoyment and stated that the plaintiffs have already been sufficiently provided for and have suppressed material facts.

5. Points consideration are :

1. Whether the suit properties are the self-acquired properties of Kandasamy and the 3rd defendant?
2. Whether the plaintiffs are entitled to the relief of partition and separate possession?

6. Points :-

The entire claim of the plaintiffs rests on the assertion that the suit properties are ancestral and were jointly enjoyed by the parties. However, except for oral assertions, no acceptable documentary evidence has been produced to establish that the

properties retained the character of joint family properties. On the contrary, the materials placed on record disclose that the properties stood in the name of Kandasamy and were dealt with by him in his individual capacity.

7. Further, the plea of joint enjoyment has not been substantiated by any independent evidence. There are no revenue records, lease documents, or accounts to show sharing of income or joint cultivation. Even the notice issued by the plaintiffs contains inconsistencies regarding enjoyment, which weakens their case. Hence, this Court holds that joint enjoyment has not been proved.

8. The evidence on record clearly indicates that the suit properties were acquired by Kandasamy through his own earnings and also by the 3rd defendant Pechiammal through independent sources. The Kandasamy had executed necessary documents, including settlement and sale deeds, during his lifetime in respect of the suit properties. The plaintiffs have not challenged the validity of those documents in the manner known to law. It is also evident that Kandasamy died only after execution of such documents, thereby effectively divesting himself of title over the properties concerned. Therefore, this Court finds that the suit properties are self-acquired properties of Kandasamy and the 3rd defendant Pechiammal, and not ancestral properties.

9. The properties are self-acquired properties, Valid documents have been executed by Kandasamy during his lifetime and Joint enjoyment has not been proved, the plaintiffs cannot claim any right by way of partition. It is a settled principle that a person cannot seek partition in respect of properties which are not joint family properties or in which they have no subsisting legal right. Hence, the plaintiffs are not entitled to the relief of partition and separate possession. Upon careful consideration of the pleadings, evidence, and materials on record, this Court finds that the plaintiffs have failed to establish their claim. The suit appears to have

been filed without proper legal basis and without proving essential ingredients required for grant of partition.

10. In the result, the suit is dismissed. In the circumstances of the case, there shall be no order as to costs.

This order is directly dictated to the Typist and typed by her, corrected and pronounced by me in the Open Court on this 11th Day of April 2026.

Principal District Judge,
Tenkasi.

Witnesses examined on the side of Plaintiffs :

P.W.1 Sangeetha

Exhibits marked on the side of plaintiffs:

- | | | |
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| Ex.A.1 | 07.11.2021 | Certified copy of the Gift Settlement Deed Executed by the Petchiammal in favor of Saravanan. |
| Ex.A.2 | 25.12.2014 | Certified copy of the Gift Settlement Deed Executed by Kandasamy Thevar in favor of the Saravanan. |
| Ex.A.3 | 17.05.2019 | Certified copy of the Gift Settlement Deed Executed by Kandasamy Thevar in favor of Petchiappan. |
| Ex.A.4 | 16.10.2023 | Copy of Legal Notice sent by the Plaintiffs to the Defendants through their Advocate (3 Nos.) |
| Ex.A.5 | 18.10.2023 | Postal Acknowledgment Card. |

Witnesses examined on the side of Defendants : Nil

Exhibits marked on the side of Defendants : Nil

Principal District Judge,
Tenkasi.