

**IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.**Present : **Thiru.K.N.Guru, B.A.B.L.,**

District Munsif, Shencottai.

Monday, the 30<sup>th</sup> day of March 2026**ORIGINAL SUIT No.23/2024****(CNR.No.TNTS11-001667-2024)**

Murugan

.. Plaintiff

/Vs/

Shanmugam Mesthiri

.. Defendant

The suit came before me for final hearing on 10.03.2026 in the presence of Thiru.S.Murugesan, Advocate for the Plaintiff and Defendant has remained exparte and after hearing Plaintiff side and on perusal of records and having stood over for consideration till this date and this court delivers the following:-

**JUDGMENT**

The Plaintiff has filed this suit seeking a decree of Permanent Injunction against the Defendant, his men, and agents, restraining them from interfering with the Plaintiff's peaceful possession and enjoyment of the suit Schedule property, along with the costs of the suit .

**2. Plaintiff's Case in Nutshell:-**

The case of the plaintiff, in brief, is that the Suit 1st Schedule property originally belonged to one Krishna Mudaliar, who had acquired the same under a registered Sale Deed and was in absolute possession and enjoyment thereof. It is

stated that out of the said property, the southern portion, described as the Suit 2nd Schedule property, was sold by Krishna Mudaliar to one Sudalaimuthu Mestri, the father of the defendant, under a registered Sale Deed dated 04.12.1959, and that the remaining portion, namely the Suit 3rd Schedule property, was retained by Krishna Mudaliar, who constructed a house therein and enjoyed the same as absolute owner. According to the plaintiff, upon the demise of Krishna Mudaliar intestate, the property devolved upon his son Dhanushkodi Mudaliar, and thereafter upon his only son Esakki, the father of the plaintiff, who also enjoyed the same as absolute owner until his death on 05.08.2011, leaving behind the plaintiff and other legal heirs. The plaintiff would further state that he was residing in the ancestral house situated in the Suit 3rd Schedule property, which collapsed in the year 2021, and since then he has been in possession and enjoyment of the property as a vacant site and has been taking steps to put up new construction from the year 2023. It is his further case that the Suit 2nd Schedule property, lying to the south of the Suit 3rd Schedule property, is in possession of the defendant, who derived title through his father and subsequent partition, and that the defendant, having unsuccessfully attempted to purchase the Suit 3rd Schedule property from the plaintiff, has been, out of malice, interfering with the plaintiff's peaceful possession by discharging drainage and sewage water into the property and obstructing the plaintiff's construction activities, even by allegedly using influence with the local police. Hence, alleging unlawful interference and nuisance, the plaintiff has approached this Court seeking the relief of permanent injunction restraining the defendant from in any manner interfering with his peaceful

possession and enjoyment of the Suit 3rd Schedule property.

3. The defendant failed to appear before this court and was set **ex parte** on 26.09.2024. The Plaintiff side PW1 was examined and documents marked as Ext.A1 to Ext.A5.

**4. Whether the Plaintiff is entitled to the relief of Injunction as prayed for?**

i) This Court has carefully considered the submissions made by the learned counsel for the plaintiff and has meticulously perused the entire oral and documentary evidence available on record.

ii) The case of the plaintiff, as projected through the pleadings and evidence, is that the Suit 1st Schedule property originally belonged to one Krishna Mudaliar. In order to substantiate the said contention, reliance has been placed upon Ex.A1. A careful scrutiny of Ex.A1 reveals that the said document lends support to the claim of the plaintiff regarding the origin of title.

iii) It is the further case of the plaintiff that, upon the demise of Krishna Mudaliar, the Suit 3rd Schedule property fell to the share of Dhanushkodi Mudaliar. In this regard, Ex.A3, being the Death Certificate of Dhanushkodi Mudaliar dated 29.05.1992, has been marked. The said document clearly establishes the factum of death of Dhanushkodi Mudaliar and supports the plea of succession as put forth by the plaintiff.

iv) Thereafter, on the demise of the said Dhanushkodi Mudaliar, the property devolved upon his only son, namely Essaki, who is none other than the father of the plaintiff. The death of Essaki on 05.08.2011 is evidenced by Ex.A4, the Death Certificate issued in this regard. The said document substantiates the plaintiff's claim that, upon the demise of Essaki, the property further devolved upon his legal heirs.

v) In order to establish his status as the legal heir of the said Essaki, the plaintiff has produced Ex.A5, the Legal Heir Certificate. A perusal of Ex.A5 confirms that the plaintiff is one of the legal heirs entitled to succeed to the estate of the deceased Essaki. Thus, the chain of succession from Krishna Mudaliar to Dhanushkodi Mudaliar, thereafter to Essaki, and finally to the plaintiff stands duly established through the documentary evidence.

vi) The materials placed before this Court further indicate that Essaki had been in possession and enjoyment of the property during his lifetime and, thereafter, the plaintiff has continued in possession and enjoyment of the suit schedule properties.

Vii) The grievance of the plaintiff is that the defendant, whose father is Sudalaimuthu Mesthiri, without any semblance of right, title or interest, attempted to interfere with the plaintiff's peaceful possession. In this regard, the Plaintiff has relied upon Ex.A2 as their title deed. A perusal of Ex.A2 would clearly show that the property claimed thereunder is distinct and specifically bounded. The recitals therein confine the defendant's property within definite limits and do not extend to the Suit

3rd Schedule property.

Viii) Further, on a close reading of Ex.A2, it is seen that the extent of the Suit 2nd Schedule property is described as measuring 12½ by 28 Thaju Moolam (East-West and North-South), and the same lies to the south of the Suit 1st Schedule property. The said description is consistent with the case of the plaintiff and remains uncontroverted.

ix) It is pertinent to note that the defendant, though served with summons, has remained ex parte and has not chosen to contest the claim of the plaintiff. However, it is well settled that even in the absence of contest, the burden of proof lies upon the plaintiff to establish his case. In the present case, this Court finds that the plaintiff has satisfactorily discharged such burden by establishing his case on the touchstone of preponderance of probabilities. The oral evidence adduced on the side of the plaintiff is cogent, consistent, and in complete harmony with the documentary evidence marked as Exs.A1 to A5, and there is no material to disbelieve the same.

x) In such circumstances, this Court finds that the plaintiff has successfully established lawful possession over the suit schedule properties and that the attempted interference by the defendant is without any legal basis.

xi) Accordingly, this Court is satisfied that the plaintiff is entitled to the relief of permanent injunction as prayed for.

**In the result, the suit is decreed with costs, granting permanent injunction in favour of the plaintiff, restraining the defendant, their men, agents, or anyone**

**claiming under them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule properties.**

Dictated to the Steno-typist directly and typed by him in computer, corrected and pronounced by me in open court, this the **30<sup>th</sup> day of March 2026.**

**District Munsif,  
Shencottai.**

**Plaintiff Side Witnesses:**

**PW1.. Murugan (Plaintiff)**

**Plaintiff Side Documents:-**

**Ex.A1**            --            Certified copy of Sale deed.

**Ex.A2**            04.12.1959    Certified copy of Sale deed.

**Ex.A3**            29.05.1992    Death Certificate of Dhanush Kodi Muthaliyar.

**Ex.A4**            05.08.2011    Death Certificate of Esakki.

**Ex.A5**            --            Legal Heirs Certificate of Esakki.

**Defendant side Witnesses & Documents:**

Nil.

**District Munsif,  
Shencottai.**

DM Court, Shencottai,  
O.S.No.23/2024  
Draft/Fair Judgment  
Dated 30.03.2026