

I ADDITIONAL DISTRICT COURT, THOOTHUKUDI

Present:- Thiru. M.Thandavan, B.L.,
I Additional District Judge,
Thoothukudi

Friday, the 7th day of August 2026

O.S.No. 110/2021

CNR No.TNTT01- 002168 - 2021

Hema

... Plaintiff

/Vs/

1. N. Ravi

2. Minor. Sam Jeba Aslin

...Defendants

(2nd defendant declared as major as per order in I.A.No.3/2024 dated 16.08.2024)

(Amended as per order in I.A.No. 2/2022 dated 21.03.2022)

This suit has been originally filed before the Principal District Court, Thoothukudi and made over to this court, and it came before this Court on 30.07.2026 for final hearing, in the presence of Thiru. .P. Pillai Vinayagam, Advocate for the Plaintiff, Thiru.S. Shanmugasundaram, Advocate for the 1st defendant, Thiru.N. Selvaraj, Advocate for the 2nd defendant and after hearing both side arguments and upon perusing available material records and having stood over for consideration till this day, this Court delivered the following...

J U D G M E N T

The plaintiffs have filed this suit under Order 7 Rule 1 to 7 and Section 151 of Civil Procedure Code for cancelling the registered relinquishment deed doc. No.393/2016 dated 07.04.2016 in Eral Sub Registrar Office and for costs.

2) The averments of the amended plaint in short :-

The suit properties originally belonged to one Nelson Jebaraj namely the father of the plaintiff and the 1st defendant and the paternal grandfather of 2nd defendant. The said Nelson Jebaraj died on 21.12.2008. The plaintiff as requested by her brothers executed a relinquishment deed dated 07.04.2016 in respect of her 1/4th share in the suit properties. While so, the mother of the plaintiff, the brothers of the plaintiff namely Ramesh Rathinapandian, Ravi, the wife of Rathinapandian namely one Maktheline Shobana, his daughter Shirin Jenice died on 19.11.2018. The 2nd defendant is the only legal heir of the said Ramesh Rathinapandian. The 2nd defendant is maintained by the 1st defendant being the junior paternal uncle. Since the above relinquishment deed dated 07.04.2016 executed by the plaintiff did not come into force as the beneficiaries under the document died before the document coming into force, it has happened to the plaintiff to cancel the above deed. The defendants are not prejudiced by cancelling the above deed. Therefore the plaintiff has filed this suit for cancellation of the above relinquishment deed and therefore the plaintiff has requested to decree the suit as prayed for.

3) The averments of the written statement by the 1st defendant in short :-

The 1st defendant has admitted the entire facts in the plaintiff and requested to pass suitable orders.

4) The averments of the written statement by the 3rd defendant adopted by the 2nd defendant in short :-

The relationship between the parties and the title of the said Nelson Jebaraj to the suit properties and the execution of the relinquishment deed dated 07.04.2016 by the plaintiff in respect of the suit properties is admitted. The 1st defendant is not in sound state of mind. The 2nd defendant is under the custody of the 3rd defendant who was subsequently removed from the suit. The plaintiff has executed the above relinquishment deed dated 07.04.2016 by her own wish in conscious state without the inducement of anyone in respect of her 1/4th share in the suit properties in favour of mother Shanthi, brothers Ramesh Rathinapandian and the 1st defendant. Therefore the mother Shanthi, the above brothers namely Ramesh Rathinapandian and the 1st defendant enjoyed the suit properties. In a road accident on 19.11.2018, the said Shanthi, the said Ramesh Rathinapandian died. Therefore the defendants 1 and 2 inherited the suit properties. The plaintiff can not seek for the cancellation of the relinquishment deed just because the beneficiaries under the relinquishment deed died. The plaintiff relinquished her rights in respect of all the properties. The plaintiff

filed a suit for partition through the 1st defendant in O.S.114/2020. The cause of action is not true. This suit is barred by limitation. The other averments in the plaint have been denied by the 3rd defendant and therefore the defendants 2 and 3 have requested to dismiss the suit with costs.

5) The following issues are framed on the basis of the pleadings in the plaint and written statement:-

1. Whether the plaintiff is entitled to the relief of declaration of null and void as to the document dated 07.04.2016 registered before Eral Registrar's office?
2. What relief the plaintiff is entitled to ?

5) For the purpose of proper adjudication, the following additional issue has been framed on the basis of the pleadings. Since the evidence and the arguments on the basis of the pleadings have already been put forth on both sides, there is no necessity to both parties to adduce same evidence and put forth same argument again.

Whether the relinquishment deed dated 07.04.2016 did not come into force ?

6) On side of the plaintiff, the PW.1 was examined and Ex.A1 to Ex.A6 have been marked. On the side of the defendants, DW1 was examined and Ex.B1 has been marked.

7) Additional Issue and issue No.1 & 2:-

The case of the plaintiff is that the suit properties belonged to one Nelson Jebaraj the father of the plaintiff, the 1st defendant and the said Ramesh Rathinapandian. It is also the case of the plaintiff that the said Nelson Jebaraj died on

21.12.2008 leaving his wife Shanthi, the plaintiff, the 1st defendant and the said Ramesh Rathinapandian. The case of the plaintiff is further that the plaintiff executed the Ex.A1 relinquishment deed in favour of the mother Shanthi, brothers namely the 1st defendant and Ramesh Rathinapandian. It is also the case of the plaintiff that the 2nd defendant is the son of the said Ramesh Rathinapandian. The above aspects are admitted by the defendants. The case of the plaintiff is further that the plaintiff executed the Ex.A1 relinquishment deed in respect of the suit properties relinquishing her 1/4th share in the suit properties in favour of the mother, brothers. The above aspect is admitted by the defendants.

8) The case of the plaintiff is further that the said Ramesh Rathinapandian, the mother Shanthi died on 19.11.2018 in the road accident even prior to the Ex.A1 relinquishment deed coming into force and therefore the Ex.A1 is a document non-est in law. The case of the 2nd defendant is that the Ex.A1 relinquishment deed was executed by the plaintiff with her own free will and when the plaintiff was in sound state of mind. It is not the case of the plaintiff that the Ex.A1 was obtained by the said Ramesh Rathinapandian and his mother Shanthi by fraud. The plaintiff herself specifically pleaded in para No.3 in the plaint as, இதையடுத்து இந்த வாதி தனது தாயார், சகோதரர்கள் கேட்டுக் கொண்டதன்பேரில் தபசில் சொத்துக்களில் தனக்குரிய $\frac{1}{4}$ பாகத்தை 07.04.2016 ல் பதிவு செய்யப்பட்ட ஆவண எண்.390/2016 மூலமாக பாக பாத்திய விடுதலை ஏற்படுத்தி வைத்துள்ளார்.

Hence the plaintiff herself has specifically admitted that she executed the Ex.A1 relinquishment deed in favour of the mother and brothers.

9) But the plaintiff pleads that the Ex.A1 relinquishment deed as the beneficiaries under the deed died prior to the Ex.A1 coming into force. Admittedly the Ex.A1 was executed on 07.04.2016. Admittedly the mother Shanthi and one of the brothers namely Ramesh Rathinapandian died on 19.11.2018. Therefore it is the case of the plaintiff that the Ex.A1 relinquishment deed has not come into force. The Ex.A1 is a document inter-vivas. Absolutely there is no recitals in the Ex.A1 that the Ex.A1 comes into force only on a particular date. Hence the Ex.A1 has come into force even on the date of execution of the document. It is not the case of the plaintiff that the Ex.A1 relinquishment deed was obtained from the plaintiff by fraud, coercion, undue influence. Therefore the plaintiff herself admitted that she voluntarily executed the Ex.A1 at the request of the brothers and the Ex.A1 has come into force even on the date of execution of the document. Therefore the version put forth by the plaintiff that the Ex.A1 has not come into force as beneficiaries under the document died 30 months after the Ex.A1 is not at all sustainable. Admittedly the Ex.A1 was executed on 07.04.2016. This suit was filed in the year of 2021. The plaintiff had knowledge regarding the execution of the document even on the date of execution. But this suit has not been filed within the time stipulated under Article 59 of the Limitation Act. Naturally the suit is barred by limitation. But the limitation is

applicable only when the document is voidable in nature. Even as per the pleadings, the document is not even voidable but it is valid. Therefore it is held that the plaintiff has relinquished her share in the suit properties under the Ex.A1 and thus the additional issue is hereby answered.

10) In view of the findings given to the additional issue, this Court holds that the plaintiff is not entitled to the relief of cancellation of the Ex.A1 deed and the plaintiff is not entitled to any other relief and thus the issue No.1 and 2 are hereby answered.

In the result, the suit is hereby dismissed with costs.

Dictated to the Steno-Typist, directly typed by her in the computer, corrected and pronounced by me in the open Court this the 7th day of August 2026.

I Additional District Judge,
Thoothukudi.

List of plaintiffs' side witness :-

PW.1 Tmt. Hema (Plaintiff)

List of Plaintiffs' side documents :-

Ex.A1	07.04.2016	Copy of relinquishment deed doc. No.393/2016
Ex.A2	19.11.2018	Certified copy of death certificate of Shanthi
Ex.A3	19.11.2018	Certified copy of death certificate of Ramesh Rathinapandian
Ex.A4	19.11.2018	Certified copy of death certificate of Makthalin Shobana
Ex.A5	19.11.2018	Certified copy of death certificate of Shirin Jenice

Ex.A6	23.04.2019	Certified copy of legal heirs certificate of Ramesh Rathinapandian
-------	------------	--

List of defendants' side witness :-

DW.1 Tr. Sam Jeba Aslin

List of defendants' side document :

Ex.B1	07.04.2016	Release deed Doc.No.393/2016 executed by the plaintiff
-------	------------	--

I Additional District Judge,
Thoothukudi.

I Additional District Court,
Thoothukudi.

O.S.No.110/2021

Draft/ Fair Judgment

Date : 07.08.2026.