

I ADDITIONAL DISTRICT COURT, THOOTHUKUDI

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

Saturday, the 1st day of August 2026

O.S.No. 150/2025

CNR No.TNTT01- 004089 - 2025

1. Annammal

2. Thangam

... Plaintiffs

/Vs/

1. Rajasingh

2. Sudhakaran

3. Gunasekaran

4. Muthu Thangadurai

... Defendants

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 13.07.2026 for final hearing, in the presence of Thiru. Arul Manickam, Advocate for the Plaintiffs, Thiru. Suganthan Athithan, Advocate for the defendants 2 to 4, D1 called absent set exparte 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 of Civil Procedure Code for passing preliminary decree to divide the 2nd plaintiff's 2/6 share in the 1st schedule properties and hand over the same to the 2nd plaintiff and (ii) for passing preliminary decree to divide the plaintiffs' 2/6 share in the 2nd schedule properties by metes and bounds and hand over the same to the plaintiffs and for costs.

2) The averments of the plaint in short :-

The suit 1st item of the 1st schedule property belonged to one Sudalaiyandi by virtue of the sale deed dated 06.11.2003. The 2nd item of the 1st schedule and 1st item of the 2nd schedule belonged to him by Natham patta. The 3rd item of the 1st schedule belonged to the said Sudalaiyandi by virtue of the sale deed dated 11.09.1990. The 4th item of the 1st schedule belonged to him by virtue of the sale deed dated 05.11.2015. The 5th item of the 1st schedule belonged to him by virtue of the sale deed dated 21.07.2020. The 6th item of the 1st schedule belonged to him by virtue of the sale deed dated 29.01.2001. The 7th item of the 1st schedule belonged to him by virtue of the sale deed dated 21.07.2020. The 8th item of the 1st schedule belonged to him by virtue of the sale deed dated 21.02.1994. The 9th item of the 1st schedule belonged to him by virtue of the sale deed dated 26.11.1980. The 10th item of the 1st schedule belonged to him by virtue of the sale deed dated 25.08.2021. The 2nd item of the 2nd schedule belonged to him by virtue of the sale deed dated

05.11.1979. The 3rd item of the 2nd schedule belonged to him by virtue of the sale deed dated 03.09.1987. The 4th item of the 2nd schedule belonged to him by virtue of the joint pattas 661 and 337. The 5th item of the 2nd schedule belonged to him by virtue of the joint patta 155. The 6th item of the 2nd schedule belonged to him and his brother Sundaramahalingam by virtue of the sale deed dated 10.09.1961. The properties 1 and 2 in the 7th item of the 2nd schedule belonged to him and his brother Sundaramahalingam by virtue of sale deed dated 03.12.1956. The said Sudalaiyandi died intestate on 12.05.2022 leaving the plaintiffs namely the wife and daughter, the defendants being the sons. Both the parties are enjoying the suit properties jointly. The 1st plaintiff executed a settlement deed dated 09.05.2025 in respect of her 1/6th share in the 1st item of the 1st schedule in favour of the 2nd plaintiff. The 1st plaintiff executed a settlement deed in respect of her undivided 1/6th share in the item No.2 to 10 of the 1st schedule in favour of the 2nd plaintiff on 11.06.2025. Therefore the 2nd plaintiff is entitled to 2/6th share in the 1st schedule properties. Therefore the defendants are having 1/6th share each in the 1st schedule properties. The plaintiffs were demanding the defendant to effect partition from December 2024 and the defendants evaded. Therefore the plaintiffs have filed this suit for partition to divide the suit properties into 6 equal shares and allot 2 such shares to the 2nd plaintiff in the 1st schedule properties and 2 such shares to the plaintiffs in the 2nd schedule properties and therefore the plaintiffs have requested to decree the suit as prayed for.

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

The 2nd plaintiff was given in marriage about 30 years ago with proper Seer Seerattugal. The 1st plaintiff was in the custody of the defendants before 6 months with memory loss. The 1st plaintiff is taking treatment for mental illness for more than 10 years. The 2nd plaintiff used to visit Kannirajapuram often to see the 1st plaintiff. Taking advantage of the mental illness and old age of the 1st plaintiff, the 2nd plaintiff obtained the settlement deeds dated 09.05.2025 and 11.06.2025 fraudulently. At the time of the execution of the above deeds, the 1st plaintiff was not having consciousness. The 2nd defendant also lodged a complaint against the 2nd plaintiff that the 2nd plaintiff stole the documents. Since the 2nd plaintiff was provided with huge cash, jewels, etc., it was decided in the presence of the elders about 30 years ago that the suit properties to be taken by the defendants alone with a liberty to the 1st plaintiff to enjoy the properties along with the defendants. Since the legal notice was issued to the District Registrar and Sub-Registrar 11.11.2024, the enquiry notice was served on the 2nd defendant on 12.06.2025 and the enquiry is still pending. The plaintiff never demanded partition. There is no cause of action. The other averments in the plaint have been denied by the defendants 2 to 4 and therefore the defendants 2 to 4 have requested to dismiss the suit with costs.

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

1. Whether the plaintiffs are entitled to the relief of partition as prayed for ?
2. What relief the plaintiffs are 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 plaintiffs are having their legitimate shares in the suit properties?

6) On side of the plaintiff, the PW.1 was examined and Ex.A1 to Ex.A19 have been marked. On the side of the defendants, DW1 was examined and no documents have been marked.

7) Additional Issue :-

The case of the plaintiffs is that the suit properties belonged to the said Sudalaiyandi under the Ex.A1 to Ex.A16 namely the sale deeds and the pattas. The case of the plaintiffs is further that the 1st plaintiff is the wife, 2nd plaintiff is the daughter, the defendants are the sons of the said Sudalaiyandi and he died intestate on 12.05.2022. The above aspects are admitted by the defendants also. The case of the plaintiffs is further that after the death of the said Sudalaiyandi, both the parties being his legal heirs are in joint possession of the suit properties. The case of the plaintiffs

is further that the 1st plaintiff executed the Ex.A18 and Ex.A19 settlement deeds in favour of the 2nd plaintiff in respect of her 1/6th undivided share in the 1st schedule properties and therefore the 2nd plaintiff is having 2/6th share in the 1st schedule properties and the defendants are having 1/6th share each in the 1st schedule properties. The case of the plaintiffs is further that all the parties to the suit are having 1/6th share each in the 2nd schedule properties. The above aspects are denied by the defendants. The case of the defendants is that there was family arrangement even during the lifetime of the said Sudalaiyandi in the presence of the elders that the suit properties to be taken by the defendants as the 2nd plaintiff was provided with huge amount and jewels. The plaintiffs have produced all the records in the name of the said Sudalaiyandi. The entire case of the plaintiffs is admitted by the defendants subject to a further plea that it was decided in the presence of the elders that the defendants have to take the suit properties as the 2nd plaintiff was provided with huge amount and jewels. Therefore the burden is shifted on the defendants to establish that there was an arrangement whereby the defendants were permitted to take the suit properties as huge amount and jewels were provided to the 2nd plaintiff.

8) Admittedly the 2nd plaintiff has not relinquished her share in the suit properties by means of a registered instrument. The 1st plaintiff being the mother also did not relinquished her share in the suit properties by means of a registered instrument. The said family arrangement during the life time of the said Sudalaiyandi

has not been proved by the defendants. During the cross examination of the DW1 namely the 2nd defendant, the DW1 has deposed as, " என் தகப்பனார் இறந்து விட்டதால் வாதிகளுக்கு தாவா சொத்தில் பாகம் உள்ளது. ஆனால் 2ம் வாதிக்கு பாகம் கொடுக்கலாம். 1ம் வாதிக்கு ஓய்வூதியம் வருவதாலும், அவரை நாங்கள் நல்லபடியாக பார்த்துக் கொள்வதாலும் 1ம் வாதிக்கு பாகம் கொடுக்க தேவையில்லை. "

9) A careful perusal of the above evidence reveals that the defendants have taken a different stand that the 1st plaintiff alone not entitled to the share in the suit properties. Admittedly the 1st plaintiff is the wife, 2nd plaintiff is the daughter and the defendants are the sons of the said Sudalaiyandi. Therefore the properties of the said Sudalaiyandi would automatically devolved upon both the parties being the legal heirs and the defendants can not create any bar to the 1st plaintiff from inheriting the properties or her husband. The reasons stated by the DW1 for excluding the 1st plaintiff from getting her share is totally unknown to law. The DW1 has conceded for giving share to the 1st plaintiff. Hence it is evident that both the plaintiffs are having their legitimate shares in the suit properties. Therefore it is held that the plaintiffs are having their legitimate shares in the suit properties and thus the additional issue is hereby answered.

10) Issue No.1 and 2 :-

Since it is held that the plaintiffs are having their legitimate shares in the suit properties, it is further held that the plaintiffs are entitled to the relief of partition and not to any other relief and thus the issue No.1 and 2 are hereby answered.

In the result, the suit is hereby decreed without costs by passing a pre decree directing to divide the suit 1st schedule properties into 6 equal shares and allot 2 such shares to the 2nd plaintiff and to divide the 2nd schedule properties into 6 equal shares and allot 2 such shares to the plaintiffs.

Dictated to the Steno-Typist, directly typed by her in the computer, corrected and pronounced by me in the open Court this the 1st day of August 2026.

I Additional District Judge,
Thoothukudi.

List of plaintiffs' side witness :-

PW.1 Tmt. Thangam (2nd plaintiff)

List of Plaintiffs' side documents :-

Ex.A1	06.11.2003	SRO copy of sale deed doc. No.1506/2003
Ex.A2	--	Downloaded copy of Natham patta No.69
Ex.A3	11.09.1990	SRO copy of sale deed doc. No.451/1990
Ex.A4	05.11.2015	SRO copy of sale deed doc. No.1243/2015
Ex.A5	21.07.2020	SRO copy of exchange deed doc. No.603/2020
Ex.A6	29.01.2001	SRO copy of sale deed doc. No.41/2001

Ex.A7	21.07.2020	SRO copy of sale deed doc. No.604/2020
Ex.A8	21.02.1994	SRO copy of sale deed doc. No.131/1994
Ex.A9	26.11.1980	SRO copy of sale deed doc. No.2530/1980
Ex.A10	25.08.2021	SRO copy of sale deed doc. No.1070/2021
Ex.A11	05.11.1979	SRO copy of sale deed doc. No.2388/1979
Ex.A12	03.09.1987	SRO copy of sale deed doc. No.542/1987
Ex.A13	--	Downloaded copy of joint patta No.377
Ex.A14	--	Downloaded copy of joint patta No.155
Ex.A15	11.09.1961	SRO copy of sale deed doc. No.144/1961
Ex.A16	03.12.1956	SRO copy of sale deed doc. No.4152/1956 in the name of Sudalaiyandi and his brother Sundaramahalingam
Ex.A17	--	Genealogical tree
Ex.A18	09.05.2025	SRO copy of settlement deed doc. No.1600/2025 in the name of 2nd plaintiff
Ex.A19	11.06.2025	SRO copy of settlement deed doc. No.1156/2025 in the name of 2nd plaintiff

List of defendants' side witness :-

DW.1 Tr. Sudhakaran (2nd defendant)

List of defendants' side documents : Nil

I Additional District Judge,
Thoothukudi.

I Additional District Court,

Thoothukudi.

O.S.No.150/2025

Draft/ Fair Judgment

Date : 01.08.2026.