



TNTU080000062025

Presented on : 9.12.2024
Registered on : 03.01.2025
Decided on : 10.04.2026
Duration : 1 years, 3 Months, 6 days

IN THE COURT OF DISTRICT MUNSIF, VANIYAMBADI
Presided Over by THIRU. V. ESHWAR, B.E., L.L.B.,

OS/02/2025
CNR.No. TNTU080000062025

Plaintiff:
C.M.Mohanraj

Versus

Defendant:
R.Rajiv

Advocate for Plaintiff Name: **Mr. A.Aravind Raj**
Advocate for Defendant Name: Set Ex parte

Claim : Suit for Declaration and Permanent Injunction



JUDGMENT

(Delivered on 10.04.2026)

The plaintiff has instituted this suit seeking a declaration of title over the plaint schedule property and a permanent injunction restraining the defendant, his men, and agents from interfering with the plaintiff's peaceful possession and enjoyment of the same.

Summary of Plaint:

2. The case of the plaintiff is that the suit schedule property originally belonged to one Kanaga of Chikkanakuppam Village. The said Kanaga executed a settlement deed in favour of the plaintiff on 22.08.2022. Following this, the revenue records, including the patta, were mutated in the plaintiff's name, and he has been in continuous possession, paying the necessary kist. The defendant is a third party who owns the land adjacent to the northern boundary of the suit property. The plaintiff alleges that the defendant unlawfully attempted to construct on the suit property. Though an initial attempt was thwarted, the defendant tried again on 14.11.2024 to encroach upon the land. The plaintiff, with the help of relatives, stopped the construction, and his father lodged a complaint at the Ambalur Police Station. Despite a police warning, the defendant, alleged to be an influential person with muscle and money power, continues to threaten the plaintiff's possession.

**Position of the Defendant**

3. Upon receiving the suit summons, the defendant failed to enter an appearance. Consequently, the defendant was called absent and set ex-parte.

Points for Determination

4. Based on the pleadings on record, this Court frames the following points for determination:

Point 1: Whether the plaintiff is the absolute owner of the suit schedule property?

Point 2: Whether the plaintiff is in lawful possession and enjoyment of the suit schedule property as on the date of the plaint?

Point 3: Whether the plaintiff is entitled to the relief of declaration and permanent injunction as prayed for?

Point 4: To what other relief is the plaintiff entitled?

Evidence Adduced

5. On the side of the plaintiff, the plaintiff himself entered the box and adduced evidence as PW-1. An independent witness, Ramu, was examined as PW-2. Documentary evidence comprising a registered settlement deed, a



computer-generated patta/chitta, and an FMB sketch were marked as Ex.A1 to Ex.A3.

6. Since the defendant remained ex-parte, no oral or documentary evidence was adduced on the side of the defendant.

Arguments of the Parties

7. This Court heard the arguments advanced by the learned counsel for the plaintiff and carefully perused the materials available on record. Since the defendant was set ex-parte, there were no submissions from the defendant's side. The plaintiff's counsel primarily argued that the registered settlement deed clearly establishes title, and the unchallenged testimonies of PW-1 and PW-2 conclusively prove the defendant's unlawful attempts to interfere with the property.

Discussion and Reasons for Decision

8. This is a suit for declaration of title and permanent injunction. Though the defendant has remained ex-parte, the law is well-settled that the burden of proof rests entirely on the plaintiff. Under Section 101 of the Indian Evidence Act, the plaintiff must stand on his own legs and prove his case by adducing cogent and convincing evidence. An ex-parte status of the defendant does not



automatically entitle the plaintiff to a decree unless the foundational facts of the claim are established.

As to Point Nos. 1 and 2:

9. The plaintiff traces his title to the suit property through one Kanaga. To substantiate this, the plaintiff has produced Ex.A1, the certified copy of the Settlement Deed dated 22.08.2022 (Document No. 6179/2022). A perusal of this registered instrument reveals that the property was validly settled in favour of the plaintiff. There is absolutely no material before this Court to cloud the title conveyed under Ex.A1.

10. Title must ordinarily be accompanied by possession. To prove that he was put in possession pursuant to the settlement deed, the plaintiff has marked Ex.A2, the computer chitta/patta (Patta No. 1858) for Survey Nos. 143/4 and 143/6, which stands in his name. This is further corroborated by Ex.A3, the FMB sketch for S.No. 143/6. Revenue records, while not absolute documents of title, are strong indicators of possession.

11. The mutation of records in the plaintiff's name following the execution of Ex.A1 clearly establishes his settled possession of the suit property. Since there is no contra evidence to dispute these public documents,



this Court finds that the plaintiff holds a valid title and is in lawful possession of the property. Points 1 and 2 are answered in favour of the plaintiff.

As to Point No. 3:

12. The core grievance of the plaintiff is the alleged interference by the defendant, who owns the land on the northern boundary. The plaintiff, deposing as PW-1, categorically stated the events of the encroachment attempt. He testified,

“மீண்டும் பிரதிவாதி கடந்த 14.11.2024 அன்று தாவா சொத்தில் சட்டவிரோதமாக கட்டுமான பணிகளை மேற்கொள்ள முயற்சி செய்தார் அதனை நானும் என்னுடைய உறவினர்கள் உதவியுடன் தடுத்து நிறுத்திவிட்டேன்.”

13. This version of events is not solitary. PW-2, an independent third-party witness from the locality, corroborated the plaintiff's testimony on all material particulars. He explicitly stated that the defendant has no connection to the suit property and that the local police had warned the defendant after the plaintiff's father lodged a complaint at the Ambalur Police Station.

14. The testimonies of PW-1 and PW-2 have not been subjected to cross-examination, and their evidence remains unimpeached. In the absence of any



rebuttal from the defendant, this Court has no reason to disbelieve the sworn testimonies regarding the threat of dispossession. A cloud has been cast upon the plaintiff's title by the defendant's physical attempts to annex the land, necessitating the relief of declaration. Furthermore, a clear cause of action for a permanent injunction under Section 38 of the Specific Relief Act has been made out, as the defendant's actions represent a direct invasion of the plaintiff's right to peaceful enjoyment.

15. Evaluating the oral and documentary evidence in its entirety, this Court is of the considered view that the plaintiff has successfully discharged his burden. The uncontroverted evidence on record heavily tilts the balance of probabilities in favour of the plaintiff. Therefore, the plaintiff is entitled to the equitable reliefs sought. Point No. 3 is answered accordingly.

Result

16. In the result, the suit is decreed ex-parte in favour of the plaintiff with costs.

17. It is hereby:

- a) **Declared** that the plaintiff is the absolute owner of the suit schedule property.



b) **Decreed** that a **permanent injunction** is granted restraining the defendant, his men, agents, servants, or anyone claiming under him from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

Directly typed by me in my official laptop, corrected and pronounced by me in the Open Court on this the 10th day of April, 2026.

**District Munsif,
Vaniyambadi.**

APPENDIX

Plaintiff's Side Witnesses:	PW-1: Mohan Raj PW-2: Ramu
Plaintiff's Exhibits:	
Ex.A1: 22.08.2022 – Certified copy of the Settlement Deed executed by Kanaga in favour of the plaintiff (Document No. 6179/2022).	
Ex.A2: Computer-generated Chitta/Patta (Patta No. 1858) standing in the name of the plaintiff for Survey Nos. 143/4 and 143/6.	
Ex.A3: Computer-generated FMB sketch for Survey No. 143/6.	
Defendant's Side Witnesses:	Nil
Defendant's Exhibits:	Nil

**District Munsif,
Vaniyambadi.**