



IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KODAVASAL

Present: THIRU. M. MOHAMED ARSHAD FAREED, B.B.A., LLB., (HONS)

District Munsif Cum Judicial Magistrate, Kodavasal.

Wednesday, 25th day of March, 2026.

O.S.No. 137/2024

CNR.No. TNTV15-000441-2024

Bama

..... Plaintiff

//Vs//

1. Saraswathi
2. Prabhakaran
3. VAO, Thethiyur
4. The Tahsildar, Kodavasal
5. Sub Registrar, Nannilam
6. The District Collector, Thiruvarur

..... Defendants

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This suit came up on 16.03.2026 for final hearing before this court in the presence of Thiru. Pandi Thennavan, Advocate for the plaintiff, D1 and D2 summon served however called absent. Hence D1 and D2 were set ex parte and the learned Government Pleader appeared for the 3rd to 6th defendants, upon perusing the material records and having stood over for consideration till this date, this court delivered the following....

JUDGMENT

This suit has been filed by the plaintiff to grant a Permanent Injunction restraining the defendants or their men or agents from trespassing on the plaintiff's property in any way and causing any disturbance to the plaintiff's enjoyment and to grant a permanent injunction restraining 1 and 2 defendants from selling the suit property along with the cost of the suit.

1. THE BRIEF AVERMENTS OF THE PLAINT:

1.1). The plaintiff submitted that the suit property originally belonged to one Sheikh Alaudeen, son of Sharif Rowther. He purchased the property through two

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registered sale deeds dated 03.08.1974 (Doc. Nos. 1553/1974 and 1554/1974) at the Nannilam Sub-Registrar Office and was in possession and enjoyment thereafter. On 18.11.2013, Sheikh Alaudeen agreed to sell the suit property along with other properties to the plaintiff. A sale agreement was executed on the same day for a total consideration of ₹3,75,000, out of which ₹2,00,000 was paid as advance. The balance was agreed to be paid at the time of registration. Possession of the property was also handed over to the plaintiff on the same day, and since then, the plaintiff has been in continuous possession and enjoyment. After Sheikh Alaudeen's death, the plaintiff attempted to complete the sale with his legal heirs, but it could not be finalized as they were residing abroad. The 1st defendant has no right or possession over the suit property but repeatedly demanded that the property be transferred to him. Upon refusal, he attempted to manipulate revenue records. The plaintiff issued a legal notice on 17.10.2023 to defendants 3 and 4, cautioning against any changes in revenue records. Later, upon verification, the plaintiff discovered that the 1st defendant had fraudulently executed a settlement

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deed in favor of the 2nd defendant based on manipulated revenue records (Patta No. 401 under Natham scheme). On 25.04.2024, when the plaintiff was repairing a damaged structure on the property, defendants 1 and 2 attempted to trespass and dispossess him. A police complaint was made, but the matter was treated as civil in nature. Hence the suit.

2.THE BRIEF AVERMENTS OF WRITTEN STATEMENT FILED BY THE DEFENDANTS:-

2.1) The 3 to 6 defendants contended that the suit filed by the Plaintiff is not maintainable either in law or on facts and is liable to be dismissed in limine. He further contended as regard to the claim in paragraph 7 of the plaint that the 1st defendant fraudulently obtained patta under the Natham Land Scheme, if such grievance exists, the plaintiff has a statutory remedy to file an appeal before the appropriate Revenue Divisional Officer with supporting documents. They further averred that as far as the 5th defendant is concerned, if the documents presented for registration are duly executed, signed, thumb-impressed, and written on proper stamp papers, the registering authority is bound to register them under the

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Registration Act and cannot refuse registration. They further averred that the burden lies on the plaintiff to prove that the settlement deed executed by the 1st defendant in favor of the 2nd defendant and registered in the office of the 5th defendant was obtained fraudulently. Therefore, the defendants prayed to dismiss the suit.

3. ISSUES:

Upon considering the above pleadings, documents and after hearing the both sides, this court has framed the following issues for trial.

1. *Whether the plaintiff is in lawful possession of the suit property?*
2. *Whether the plaintiff is entitled to the relief of permanent injunction as prayed for?*
3. *Whether the plaintiff is entitled to relief of permanent injunction restraining the 1st and 2nd defendant from selling the property based on alleged settlement deed to any third party as prayed for?*
4. *To what other reliefs?*

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4. DOCUMENTS AND EVIDENCES:

The plaintiff Mrs. Bama examined herself as **PW1** and **Exhibits A1 to A8** was marked by her on his chief examination. The one Mr. Shanmugasundaram examined as PW2. No oral and documentary evidence marked by defense side.

5. DISCUSSION:

5.1). Heard both sides learned Counsels on record. Available material records and documents perused.

6. ISSUE No.1 and ISSUE No.2: -

Whether the plaintiff is *in lawful possession and peaceful enjoyment of the suit property?*

6.1) The learned counsel for the plaintiff submitted that the suit property originally belonged to Sheikh Alaudeen, who had purchased it under registered sale deeds dated 03.08.1974 and was in possession thereafter. On 18.11.2013, he entered into a sale agreement with the plaintiff for a total consideration of ₹3,75,000/-, out of which ₹2,00,000/- was paid as advance, and possession was

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also handed over to the plaintiff, who has since been in continuous enjoyment of the property. Following the death of Sheikh Alaudeen, the plaintiff was unable to complete the sale with his legal heirs as they were residing abroad. It is further stated that the 1st defendant has no right over the property but attempted to interfere and manipulate the revenue records. Despite issuance of legal notice by the plaintiff, the 1st defendant allegedly executed a fraudulent settlement deed in favour of the 2nd defendant based on manipulated patta. The plaintiff further submits that on 25.04.2024, when he was carrying out repairs on the property, defendants 1 and 2 attempted to trespass and dispossess him, for which a police complaint was lodged, though the same was treated as a civil dispute.

6.2) The first issue pertains only to defendants 1 and 2, who were set ex parte by this Court due to their failure to file a written statement. Insofar as defendants 3 to 6 are concerned, the learned government pleader contended that as so far as the 5th defendant is concerned, the registering authority is bound to register documents presented before it if they are duly executed, signed, and

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comply with the requirements of the Registration Act, and cannot refuse registration on other grounds.

6.3) Upon careful examination of Exhibits A3, it is evident that the suit properties has been duly purchased by the plaintiff through sale agreement. To further substantiate his claim of possession, the plaintiff has produced the property tax receipts which marked as Exhibits A4, which corroborate that the suit properties stand in his name and that he continues to be in possession thereof.

6.4) Further, in order to substantiate the case of plaintiff with regard to the possession of suit property, an independent witness also examined as PW-2 who corroborates the version of PW-1.

6.5) Further on the side of 1st and 2nd defendant were simply remained Ex parte, their failure to appear for the hearing had driven this court to draw an adverse inference against the defendant on the basis of the principle contained in



illustration (g) of section of 114 of Indian evidence act, for not contesting the case to defend herself. The provision read as follows,

The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations

The Court may presume –

that evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it

6.6) Applying the said principle to the facts of the present case, this Court is justified in drawing an adverse inference against the 1st and 2nd defendants for their non-appearance and failure to contest the matter.

6.7) In the light of the foregoing discussions and upon an overall appreciation of the oral and documentary evidence available on record, this Court



is of the considered view that the plaintiff has satisfactorily established his lawful possession and enjoyment of the suit properties. Accordingly, the plaintiff is entitled to the relief of permanent injunction restraining the defendants, their men, agents, servants, or any person claiming under or through them, from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit properties. **Hence, Issue No.1 and Issue No.2 are answered in affirmative.**

7. ISSUE NO:3

With regard to the third relief sought, this Court is of the view that the plaintiff cannot maintain a bare suit for permanent injunction without seeking the relief of declaration to set aside the settlement deed as null and void. However, in the present case, since the defendants have not created any cloud over the title of the plaintiff, his possession over the suit property remains undisputed. **Hence, Issue No 3 is answered in negative.**



8. ISSUE 4:

By considering the nature and circumstances of this case, this court is inclined to award the cost of the suit to the plaintiff. Thereby the defendants are jointly and severally liable to pay the cost of the suit to the plaintiff. **Hence, Issue No 4 is answered.**

In the result,

i) The Suit is partly decreed. Thereby, directing to grant a Permanent Injunction restraining the defendants or their men or agents from trespassing on the plaintiff's property in any way and causing any disturbance to the plaintiff's enjoyment.

ii) Each party shall bear their own cost.



Dictated by me to Steno-typist directly and typed by her corrected and pronounced by me on this 25th March 2026.

District Munsif cum Judicial Magistrate,
Kodavasal.

WITNESSES EXAMINED ON THE SIDE OF PLAINTIFFS :

PW1 Bama

PW2 Shanmugasundaram

EXHIBITS MARKED ON THE SIDE OF PLAINTIFFS

Exhibit No.	Date	Document	Nature of the document
Ex.A1	03.08.1974	Sale deed (DOC No. 1553/1974)	Xerox(Compared with original)

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Ex.A2	03.08.1974	Sale deed (DOC No. 1554/1974)	Xerox(Compared with original)
Ex.A3	18.11.2013	Sale agreement	Xerox(Compared with original)
Ex.A4	12.10.2023	Property tax receipt	Original
Ex.A5	17.10.2023	Advocate notice	Office copy
Ex.A6	20.10.2023	Acknowledgment card	Original
Ex.A7	13.03.2023	Sale deed (DOC No. 670/2023)	Certified copy
Ex.A8	-	Aadhar card	Xerox(Compared with original)

WITNESSES AND EXHIBITS EXAMINED ON THE SIDE OF

DEFENDANTS : Nil

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