

IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.G.Santhi,
I Additional District and Sessions Judge,
Vellore.

Monday, the 16th day of March, 2026

O.S. No.86 of 2021
(CNR No.TNVL01-003513-2021)

P. Dhandapani

.. Plaintiff

//Vs//

N. Gunasekaran

.. Defendant

This suit was filed before the Hon'ble Principal District Court, Vellore on 06.07.2021 thereafter the case was transferred to this court and came up before me on 18.02.2026 for final hearing in the presence of Thiru. B. Palanisamy, counsel for the Plaintiff and Thiru. N.N. Pugalendhi, Counsel for the defendant and the defendant was called absent set exparte on 18.12.2025 and upon hearing the arguments of plaintiff's side and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

JUDGMENT

Suit for Declaration

Suit for Declaration by declaring the title over the schedule mentioned

property in favour of the plaintiff and granting the Consequential Permanent Injunction restraining the defendant, his men, agents, servants etc., from in any manner whatsoever, interfering with the plaintiff's peaceful possession and enjoyment of the schedule mentioned property and Cancellation of the registered Settlement deed dated 04.11.1998, executed by the plaintiff as null and void and for costs.

2) The brief averments of the Plaintiff are as follows:-

1. The suit property was originally purchased on 16.08.1976 by Bhuvanewari, the first wife of the Plaintiff, through a registered sale deed from Karumugha Mudaliar. After purchase, the Plaintiff and his wife were in peaceful possession and enjoyment of the property.
2. On 25.08.1982, Bhuvanewari mortgaged the property for Rs.35,000/- to Roji Ammal for family expenses.
3. The Defendant is not a blood relative of the Plaintiff; he is only the son of the brother of Bhuvanewari. Bhuvanewari executed a relinquishment deed on 04.02.1983 in favour of her father, mother and brother regarding her parental property, but not in respect of the suit property, which continued to remain in her name.
4. Bhuvanewari died intestate on 11.04.1998 leaving the Plaintiff (her husband) as her sole legal heir. After her death, the Plaintiff claims to

have inherited and perfected title over the suit property and remained in possession.

5. When the Plaintiff decided to marry Shanthi on 16.11.1998, the Defendant and his father Dr. Neelakandan allegedly threatened him, stating they would stop the marriage by spreading allegations that he was impotent unless he executed a settlement deed in favour of the Defendant.
6. Due to threat, coercion, undue influence and depression, the Plaintiff executed a Registered Settlement Deed dated 04.11.1998 in favour of the Defendant. The Plaintiff also contends that the Defendant was a minor at that time.
7. The Plaintiff states that the settlement deed was never accepted or acted upon, and possession of the property was never handed over to the Defendant. The Plaintiff continued to live in the property and later married Shanthi, through whom he had a male child.
8. The Plaintiff executed a Registered Cancellation Deed on 28.12.2005 cancelling the settlement deed. Subsequently, the Town Panchayat transferred the property tax and water connection to the Plaintiff's name on 19.04.2006. Since then, the Plaintiff has been paying property tax and other charges continuously.

9. The Defendant issued a legal notice on 25.05.2006 claiming ownership and alleging that the Plaintiff was his tenant, demanding rent and possession. The Plaintiff replied on 11.06.2006 denying the claim.
10. The Defendant earlier filed O.S. No.42/2006 for declaration and possession, which was later withdrawn on 12.09.2011.
11. The Defendant also filed R.C.O.P No.26/2013, wherein during cross-examination the Defendant admitted that no suit for recovery of possession had been filed, and the attesting witness admitted that possession was never given and the settlement deed was not acted upon.
12. The Defendant filed W.P. No.34196/2017 before the Madras High Court challenging the cancellation deed. On 03.03.2020, the High Court directed that the Plaintiff could approach the competent civil court for appropriate relief.
13. The Plaintiff claims that since he has been in continuous possession and paying taxes for more than 12 years, he has also perfected title by adverse possession. Therefore, the Plaintiff has filed the suit seeking a declaration of title over the suit schedule mentioned property in his favour, and for granting consequential permanent injunction restraining the Defendant, his men, agents and servants from in any manner

interfering with the Plaintiff's peaceful possession and enjoyment of the suit property. The Plaintiff also seeks cancellation of the Registered Settlement Deed dated 04.11.1998 executed in favour of the Defendant as null and void, and for costs.

3) The respondent was called absent and set exparte on 18.12.2025.

4) The plaintiff was examined as P.W.1 and through him Ex.A1 to Ex.A52 have been marked. When the case was posted for filing written statement, written statement not filed and the defendant called absent and set exparte on 18.12.2025.

Points :

6. To prove the case of the plaintiffs, PW1 was examined and Ex.A1 to Ex.A52 were marked through him. Ex.A1 is the Certified Copy of the Registered Sale Deed dated 16.08.1976 in the name of Buvaneswari. Ex.A2 is the Certified Copy of the Registered Mortgage Deed dated 25.08.1982. Ex.A3 is the Certified Copy of the Registered Relinquishment Deed dated 04.02.1983 executed by Buvaneswari. Ex.A4 is the Death Certificate of Buvaneswari. Ex.A5 is the Legal Heirship Certificate of Buvaneswari. Ex.A6 is the Certified Copy of the Registered Settlement Deed dated 04.11.1998 executed by the plaintiff in favour of the defendant. Ex.A7 is the Certified Copy of the Marriage Invitation of the plaintiff. Ex.A8 is the Registration Copy of the Registered Discharge Mortgage Deed dated 02.11.1998. Ex.A9 is

the Telephone Bill. Ex.A10 is the Guideline Value Certificate. Ex.A11 is the Letter dated 19.04.2006 issued by the Executive Officer, Gandhinagar Panchayat to the plaintiff. Ex.A12 is the Copy of Legal Notice dated 25.05.2006 issued by the defendant to the plaintiff. Ex.A13 is the Copy of Legal Notice dated 11.06.2006 issued by the plaintiff. Ex.A14 is the Copy of Plaint in O.S.No.42/2006. Ex.A15 is the Certified Copy of Decree dated 12.09.2011 in O.S.No.42/2006. Ex.A16 is the Copy of Petition in RCOP No.26/2013. Ex.A17 is the Copy of Counter in RCOP No.26/2013. Ex.A18 is the Copy of Deposition of the plaintiff in RCOP No.1/2014. Ex.A19 is the Copy of Deposition of PW3 in RCOP No.1/2014. Ex.A20 is the Certified Copy of Order dated 03.03.2020 of the High Court in W.P.No.34196/2017. Ex.A21 and Ex.A51 are the Encumbrance Certificates. Ex.A22 is the Challan dated 19.04.2006 for change of Property Tax and Water Tax. Ex.A23, Ex.A25, Ex.A26, Ex.A28, Ex.A30, Ex.A32, Ex.A34, Ex.A36, Ex.A38, Ex.A40, Ex.A41, Ex.A42, Ex.A44, Ex.A46 and Ex.A47 are the Property Tax Receipts. Ex.A24, Ex.A27, Ex.A29, Ex.A31, Ex.A33, Ex.A35, Ex.A37, Ex.A39, Ex.A43 and Ex.A45 are the Water Tax Receipts. Ex.A48 is the Original Meter Card. Ex.A49 is the Xerox Copy of Aadhaar Card of the plaintiff. Ex.A50 is the Discharge Summary of the plaintiff dated 22.12.2015. Ex.A52 is the Original Settlement Deed dated 28.12.2005. It is to be noted that Ex.A42 to Ex.A47 are Xerox copies of the tax receipts.

7. On perusal of the oral and documentary evidence of PW1 and the documents marked as Ex.A1 to Ex.A52, it is seen that the suit property was originally purchased by Bhuvanewari, the first wife of the plaintiff, under Ex.A1 – Registered Sale Deed dated 16.08.1976. Ex.A2 shows that the said property was mortgaged on 25.08.1982. Ex.A3 shows that Bhuvanewari executed a relinquishment deed in respect of her parental property and not in respect of the suit property. Ex.A4 – Death Certificate and Ex.A5 – Legal Heirship Certificate show that Bhuvanewari died on 11.04.1998 and the plaintiff is her legal heir.

8. The plaintiff contends that due to threat, coercion and undue influence, he executed Ex.A6 – Registered Settlement Deed dated 04.11.1998 in favour of the defendant and that the said settlement deed was never acted upon and possession of the property was not handed over to the defendant. According to the plaintiff, he continued to remain in possession and enjoyment of the suit property.

9. Ex.A22 to Ex.A47 are the property tax and water tax receipts which show that the plaintiff has been paying the taxes for the suit property. Ex.A48 – Original Electric Meter Card and other documents also support the case of the plaintiff that he has been in possession and enjoyment of the suit property. Ex.A42 to Ex.A47 are Xerox copies of the tax receipts.

10. Ex.A12 and Ex.A13 are the legal notices exchanged between the parties. Ex.A14 and Ex.A15 show that the defendant earlier filed O.S.No.42/2006 and the same was withdrawn. Ex.A16 to Ex.A19 relate to the proceedings in RCOP cases. Ex.A20 is the order of the Hon'ble High Court in W.P.No.34196/2017 directing the plaintiff to approach the competent Civil Court for appropriate relief.

11. In the present case, though the defendant was served with notice, he remained absent and was set exparte. The oral evidence of PW1 and the documentary evidence produced by the plaintiff remain unchallenged.

12. Further the learned counsel for plaintiff relied on the citation *2024(3) MWN (Vivil) 587*, in which it is held that,

“In terms of Article 113, time begins to run when the right sue accrues. IN this case, the right to sue accrued when the Defendant denied the Title of the plaintiff in his Written Statement filed on June 3, 2009. Hence, the amendment Petition ought to have been filed on or before June 3, 2012 i.e., 3 years from the date of filing Written Statement. The plaintiff has filed the petition on April 12, 2011, well within the period of limitation. Therefore, this Court is of the view that, the declaratory relief sought for is not barred by limitation. Substantial Question of Law ‘a’ is answered accordingly in favour of the plaintiff.”

In the above said decision it is held that when the denial of title is made by the defendant, the period of limitation starts from that date and therefore the declaratory relief sought by the plaintiff is not barred by limitation.

13. Therefore, this Court finds that the plaintiff has proved his possession and enjoyment over the suit property and has also made out a case for declaration and consequential permanent injunction.

14. Since the defendant did not produce any evidence to oppose the case and was set exparte, this Court finds that the plaintiffs have clearly proved their case with reliable evidence.

In the result, the suit is decreed with costs. The title over the suit schedule mentioned property is declared in favour of the plaintiff. The defendant, his men, agents, servants or anybody claiming through him are permanently restrained from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. The Registered Settlement Deed dated 04.11.1998 executed by the plaintiff in favour of the defendant is hereby declared as null and void and cancelled.

Dictated to the Steno-Typist directly and typed by her in computer, corrected and pronounced by me in open court, on this day the 16th day of March 2026.

**I Additional District and Sessions Judge,
Vellore.**

Plaintiff's side witnesses:

P.W.1 - Thiru. Dhandapani

Plaintiffs side Exhibits:

Ex.No	Date	Description
Ex.A1	16.08.1976	Certified Copy of Registered Sale Deed in the name of Buvaneswari
Ex.A2	25.08.1982	Certified Copy of Registered Mortgage Deed
Ex.A3	04.02.1983	Certified Copy of Registered Relinquishment Deed executed by Buvaneswari
Ex.A4	11.04.1998	Death Certificate of Buvaneswari
Ex.A5	11.04.1998	Legal Heirship Certificate of Buvaneswari
Ex.A6	04.11.1998	Certified Copy of Registered Settlement Deed executed by plaintiff in favour of defendant
Ex.A7	16.11.1998	Certified Copy of Marriage Invitation of plaintiff
Ex.A8	02.11.1998	Registration Copy of Registered Discharge Mortgage Deed
Ex.A9	—	Telephone Bill
Ex.A10	—	Guideline Value Certificate
Ex.A11	19.04.2006	Letter issued by Executive Officer, Gandhinagar Panchayat to plaintiff
Ex.A12	25.05.2006	Copy of Legal Notice issued by defendant
Ex.A13	11.06.2006	Copy of Legal Notice issued by plaintiff
Ex.A14	—	Copy of Complaint in O.S.No.42/2006
Ex.A15	12.09.2011	Certified Copy of Decree in O.S.No.42/2006
Ex.A16	—	Copy of Petition in RCOP No.26/2013
Ex.A17	—	Copy of Counter in RCOP No.26/2013

Ex.No	Date	Description
Ex.A18	—	Copy of Deposition of Plaintiff in RCOP No.1/2014
Ex.A19	—	Copy of Deposition of PW3 in RCOP No.1/2014
Ex.A20	03.03.2020	Certified Copy of Order of High Court in W.P.No.34196/2017
Ex.A21	—	Encumbrance Certificate
Ex.A22	19.04.2006	Challan for change of Property Tax and Water Tax
Ex.A23	24.04.2006	Property Tax Receipt
Ex.A24	24.04.2006	Water Tax Receipt
Ex.A25	06.06.2007	Property Tax Receipt
Ex.A26	08.07.2008	Property Tax Receipt
Ex.A27	08.07.2008	Water Tax Receipt
Ex.A28	08.05.2009	Property Tax Receipt
Ex.A29	08.05.2009	Water Tax Receipt
Ex.A30	2010–2011	Property Tax Receipt
Ex.A31	16.03.2011	Water Tax Receipt
Ex.A32	19.01.2012	Property Tax Receipt
Ex.A33	21.01.2012	Water Tax Receipt
Ex.A34	24.01.2013	Property Tax Receipt
Ex.A35	24.01.2013	Water Tax Receipt
Ex.A36	19.03.2014	Property Tax Receipt
Ex.A37	19.03.2014	Water Tax Receipt
Ex.A38	19.12.2015	Property Tax Receipt
Ex.A39	06.06.2007	Water Tax Receipt
Ex.A40	09.08.2017	Property Tax Receipt
Ex.A41	16.02.2015	Property Tax Receipt
Ex.A42	19.02.2021	Property Tax Receipt (Xerox)
Ex.A43	19.02.2021	Water Tax Receipt (Xerox)
Ex.A44	11.10.2019	Property Tax Receipt (Xerox)
Ex.A45	11.10.2019	Water Tax Receipt (Xerox)
Ex.A46	11.12.2018	Property Tax Receipt (Xerox)
Ex.A47	09.08.2017	Property Tax Receipt (Xerox)
Ex.A48	—	Original Meter Card
Ex.A49	—	Xerox Copy of Aadhaar Card of Plaintiff
Ex.A50	22.12.2015	Discharge Summary of Plaintiff

Ex.No	Date	Description
Ex.A51	—	Encumbrance Certificate
Ex.A52	28.12.2005	Original Settlement Cancellation Deed

Defendant's side witnesses and Exhibits : Nil

**I Additional District and Sessions Judge,
Vellore.**

FAIR/DRAFT JUDGMENT

OS.No.86/2021

CNR No.TNVL01-003513-2021

D.O.D.16.03.2026

I Additional District court, Vellore.