



THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,
District Munsif,
Gudiyattam.

Wednesday, this the 12th day of August 2026

O.S.No.48 of 2023
(CNR.No.TNVL10-000085-2023)

Kumari

.... Plaintiff

// Versus //

Dhanajeya Reddy

.... Defendant

This suit came up before this court on 06.08.2026 for final hearing in the presence of Thiru.V.Murugesan, Advocate for the plaintiff and the defendant set exparte on 10.06.2026 and upon perusing the case records and having stood over for consideration till this day, this court delivered the following.

JUDGMENT

Suit filed under Order 7, Rule 1 and Section 26 of Code of Civil Procedure to granting permanent injunction restraining the defendant, his men, agents and servants from any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule mentioned property and for cost.

**1. The Brief averments of the plaint :-**

The plaintiff submit that the suit property is a promboke property. It is occupied and enjoyed by the defendant. The defendant offer to sale the suit property to the plaintiff and the plaintiff purchased the same for Rs.2,35,000/-. The unregistered possession transferred sale receipt was executed on 16.05.2015. The plaintiff is in possession and enjoyment of the suit property from the date of the purchase and raising crops and plants. The plaintiff also claiming adverse possession. The defendant has a third party to the suit property. He attempting to interfere with the peaceful possession and enjoyment of the plaintiff on 02.01.2023. Hence the present suit for injunction is filed against the defendant.

2. The Brief Averments of Written Statement:-

The defendant submit that already he filed injunction suit against the plaintiff husband in OS.No.85/2022. By suppressed the real facts the plaintiff filed the present suit. He further submitted that the defendant never executed any alleged document infavour of the plaintiff. The plaintiff never is in possession and enjoyment of the suit property. The description and boundaries of the suit properties are totally incorrect. There is no cause of action for filing the suit hence this suit is liable to be dismissed.

**3. Issues:-**

On the basis of plaint and written statement filed by both parties the following issues were framed on 20.11.2023.

- i) Whether the plaintiff is in the possession of the suit schedule property ?
- ii) Whether the description of the suit schedule property is correct ?
- iii) Whether the plaintiff is entitled to get the relief of permanent injunction as prayed for ?
- iv) To what other relief ?

4. Evidence :-

On plaintiff side the plaintiff Kumari examined herself as PW1 and no document marked. No other witnesses were examined and no other documents were marked.

5. Arguments:-**Plaintiff side Argument:-**

The plaintiff counsel argued that the plaintiff purchased the suit property on 16.05.2015 from the defendant. The defendant on 02.01.2023 tried to interfere with the plaintiff peaceful possession and enjoyment of



the suit property. Hence the suit is filed. The defendant failed to appear and contest the suit. The plaintiff examined herself as PW1 and proved the plaintiff case. Hence she is entitled for permanent injunction against the defendant on that prayed to decree the suit.

6. Discussion:-

This court after considering the argument of plaintiff side and perusing the pertinent records this court proceed to delineate the findings based on the following discussion.

Issue No.1:- Whether the plaintiff is in the possession of the suit schedule property ?

6.1. The case of the plaintiff is that, the suit property is a promboke property. It is occupied and enjoyed by the defendant. The defendant offer to sale the suit property to the plaintiff and the plaintiff purchased the same for Rs.2,35,000/-. The unregistered possession transferred sale receipt was executed on 16.05.2015. The plaintiff is in possession and enjoyment of the suit property from the date of the purchase and raising crops and plants. The plaintiff also claiming adverse possession. The defendant has a third party to the suit property. He attempting to interfere with the peaceful possession and enjoyment of the plaintiff on 02.01.2023. Hence the present suit for injunction is filed against the defendant.



6.2. The defendant filed written statement stating that already he filed injunction suit against the plaintiff husband in OS.No.85/2022. By suppressed the real facts the plaintiff filed the present suit. He further submitted that the defendant never executed any alleged document infavour of the plaintiff. The plaintiff never possession and enjoyment of the suit property. The description and boundaries of the suit properties are totally incorrect. There is no cause of action for filing the suit hence this suit is liable to be dismissed.

6.3. The defendant appeared and filed written statement on 28.08.2023 but subsequently he failed to appeared on court notice hence he set exparte on 10.06.2026. For considering the present issue in respect of the possession of suit property by the plaintiff the plaintiff herself examined as PW1 and no other witnesses and documents marked on the side of the plaintiff. While the plaintiff specifically pleaded that the defendant executed possession document on 16.05.2015 in respect of the suit property and handed over possession on the same day. Then burden upon the plaintiff to prove her pleadings by filing considerable documents as exhibits. But in this case for proving the plaintiff possession no documents is produced by her. Even no third party witnesses are examined by her. Mere oral evidence of PW1 herself is not enough to prove possession over the suit property. While the plaintiff submitted that the suit property is a promboke land then she has to prove her possession by filing documents. In such circumstances this court found that the plaintiff failed



to prove her possession over the suit property. Accordingly this issue is decided against the plaintiff.

7. Issue No.2:- Whether the description of the suit schedule property is correct ?

The plaintiff pleaded that the defendant is in possession of the suit property and he executed possession transfer sale receipt on 16.05.2015 infavour of the plaintiff. For proving the said pleadings no documents marked by the plaintiff side for considering the defendant possession and the description and boundaries of the suit property. On plaintiff side no documents and revenue records are filed to prove that the suit property in S.No.319 is correct with the boundaries mentioned by the plaintiff and the said S.No.319 is extended for 3.30 Acres. By mere plaint pleadings this court could not believe that the suit property in S.No.319 is correct and the boundaries and extent mentioned by the plaintiff is true. Even after framing the issues the plaintiff side failed to file documents to prove the real extent and boundaries. Without proving the clear identification of property the plaintiff not entitled for injunction. No steps taken by the plaintiff side to examine the Government officials to prove the same. On considering the above discussion the plaintiff side failed to prove that the description of the suit property is correct. Accordingly this issue is decided.



8. Issue No.3:- Whether the plaintiff is entitled to get the relief of permanent injunction as prayed for ?

8.1. The plaintiff herself submitted that the suit property is a Government promboke land then the Government is the real owner of the suit property. In such circumstances as a encroacher the defendant does not having right to transfer the suit property infavour of the plaintiff. The plaintiff cannot claim title over the suit property based on the 16.05.2015 document. The plaintiff submitted that she also entitled for the suit property by adverse possession. Then she has to file suit against the Government also but the plaintiff failed to implead the Government as party to the suit.

8.2. It is further submit that by possession the plaintiff prayed for permanent injunction against the defendant. As discussed in the issue No.1 the plaintiff failed to prove her possession and enjoyment over the suit property from 16.05.2015. Even a single document not filed by the plaintiff to prove her possession. While the plaintiff failed to prove her possession over the suit property, and she failed to prove the existence of suit property even as a encroacher she cannot entitled for permanent injunction against the defendant. By pleadings and oral evidence the plaintiff cannot prove her possession. The plaintiff also failed to prove the description of the suit property. On considering the above discussion the plaintiff failed to prove her possession on that she was not entitled for the permanent injunction as prayed. On that this issue is decided against the plaintiff.

**9. Issue No.4:-** To what other relief ?

Since the issue No.1 to 3 decided against the plaintiff, on considering the nature of the suit the plaintiff was not entitled for any other relief.

10. Result :-

As a result this suit is dismissed without cost.

Dictated to Steno typist directly, typed by him in the desktop, corrected and pronounced by me in the open Court on this the 12th day of August 2026.

**District Munsif,
Gudiyattam.**

Plaintiff side Witness:-

PW1 Kumari

Plaintiff side Exhibits :- Nil

Defendant side witnesses & Exhibits:- Nil

**District Munsif,
Gudiyattam.**

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