

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM, VELLOREDISTRICT

Present : Thiru.A.Chellapandian, B.Com., L.L.M.,

District Munsif, Gudiyattam.

Friday, the 8th day of January 2021

O.S.No:129 of 2017

Dharani ... Plaintiff

//Versus//

Veeraragavan ... Defendant

This Suit coming on before me 17.12.2020 for final hearing in the presence of Thiru.K.Rajini, Advocate for the Plaintiff, Defendant set exparte, upon having stood over for consideration, this court delivered the following:

JUDGMENT

Suit for granting permanent injunction restraining the defendant, their men, agents or servants or anyone else claiming under him from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule mentioned properties and encroach upon the same and cost of the suit.

2. Brief averments of the plaint:-

1st item of the suit property and other properties were partitioned between deceased Thukkaram and his brother the defendant. 1st item of the suit

property were acquired by the deceased Thukkaram husband of the plaintiff and the 2nd item of the suit property acquired by the deceased Tukkaram under a exchange deed dated 29.09.1993 he was in possession and enjoyment of the same. As he suffered a paralysis due to blood clot in his brain. He became immobilized and decided to settle the property to the plaintiff. In the year 1997 he was taking continuous treatment he gave the suit property through registered Thana settlement deed dt.24.08.2015 and the plaintiff took possession of it and is in continuous possession and enjoyment of the suit property without any let or hindrance. Defendant is her Brother-in-law. After the partition of the suit properties defendant is absolutely 3rd party to the suit properties and has no manner of right title or interest whatsoever in the suit properties. Plaintiff had settled at Chennai and in the absence of plaintiff the defendant taking advantage, being neighbor attempted to encroach the same. Facts or being so, out of enmity defendant developed against the plaintiff deliberately made out an attempt to commit trespass on 05.08.2017. Plaintiff has successfully averted the same due to the timely intertextstructure of neighbor. The defendant openly declared that he would come again with great force and commit trespass upon it at any time. The act of the defendant is illegal and unjust. Plaintiff has approached revenue official to measure the suit properties but the defendant his returning and prevented the same. If the defendant succeed in

his attempt plaintiff will be put to great loss and hardship and the plaintiff would be put to irreparable loss and hardship. Hence filed the suit for permanent injunction against the defendant.

Issue:

1. Whether the suit is to be decreed as prayed for?

Plaintiff Examined as PW1 and Ex.A1 and A2 were marked. No other witnesses have been Examined on the side of plaintiff.

4. Answer to Issue Nos.1:-

1st item of the suit property and other properties were partitioned between deceased Thukkaram and his brother the defendant. 1st item of the suit property were acquired by the deceased Thukkaram husband of the plaintiff and the 2nd item of the suit property acquired by the deceased Tukkaram under a exchange deed dated 29.09.1993 which was marked as Ex.A1 based on it he was in possession and enjoyment of the same. As he suffered a paralysis due to blood clot in his brain. He became immobilized and decided to settle the property to the plaintiff. In the year 1997 he was taking continuous treatment and he given the suit property through registered Thana settlement deed dt.24.08.2015 which was marked as Ex.A2. Ex.A1 and A2 clinchingly proves that based on it plaintiff took possession of it and

is in continuous possession and enjoyment of the suit property without any let or hindrance. Defendant is her Brother-in-law. After the partition of the suit properties defendant is absolutely 3rd party to the suit properties and has no manner of right title or interest whatsoever in the suit properties are acceptable. Plaintiff had settled at Chennai and in the absence of plaintiff the defendant taking undue advantage, being neighbor attempted to encroach the same. Facts or being so, out of enmity defendant developed against the plaintiff deliberately made out an attempt to commit trespass on 05.08.2017. Plaintiff has successfully averted the same due to the timely intertextstructure of neighbor. The defendant openly declared that he would come again with great force and commit trespass upon it at any time. The act of the defendant is illegal and unjust. Plaintiff has approached revenue official to measure the suit properties but the defendant is threatened and prevented the same. If the defendant succeed in his attempt plaintiff will be put to great loss and hardship and the plaintiff would be put to irreparable loss and hardship. Hence filed the suit for permanent injunction against the defendant. Plaintiff through documentary evidence and her oral evidence proved her case against the defendant. Therefore this Court inclines to decree the suit as prayed for.

In the result suit is decreed with cost.

That the defendant his men, agents, servants or anyone else claiming under him are be and hereby restrained by an order of permanent injunction from interfering with the peaceful possession and enjoyment of the suit schedule mentioned properties and encroach upon the same.

Directly Dictated to typist, typed by her corrected and pronounced by me in the open court on this the 8th day of January 2021.

**Sd/- . A.ChellaPandian,
District Munsif,
Gudiyattam.**

Plaintiff side Witnesses:-

PW1 Dharani (Proof Affidavit)

Plaintiff side Exhibits:-

Ex.A1 29.09.1993 Original Registered Exchange deed

Ex.A2 - Original Registered settlement deed

Defendant side Witnesses & Exhibits : NIL

**Sd/- A.ChellaPandian,
District Munsif,
Gudiyattam.**