

IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT

PRESENT: TMT. K.INBARANI, B.A.,B.L.,

(J.O.Code - TN02350)

DISTRICT MUNSIF, KATPADI

Monday, this the 16th Day of March – 2026

O.S.No. 71 of 2020
(CNR.No.TNVL23-000116-2020)

Giriraja Prasanna

. . . Plaintiff

-Vs-

Rajendira Prasanna

. . . Defendant

This Suit has come up today before this Court for Judgment, and in this case, the Plaintiff was appeared through his Advocate Counsel Thiru.P.G.Balaji, and the Defendant was appeared through his Advocate Counsel Mrs.S.Sugasini. Upon hearing Plaintiff side arguments and upon perusing the case records & evidence, and having stood over consideration till this day, this Court delivers the following:-

JUDGMENT

The Suit is filed by the Plaintiff for Permanent Injunction as against the defendant not to interfere the plaintiff's peaceful possession and enjoyment of the plaint schedule property and for costs.

1. The concise of the Plaint averments is as follows:-

1.1 The plaintiff states that, the suit schedule property originally belonged to his father, Seetharaman, who purchased the same along with other properties from

Sivalingam and others under a registered sale deed dated 22.06.1952 bearing Document No.1959/1952, registered on 23.06.1952 before the Sub-Registrar Office, Chittoor. Subsequently, the said Seetharaman executed a registered settlement deed dated 21.04.1973 bearing Document No.1372/1973 before the Sub-Registrar Office, Katpadi, settling the suit schedule property and other properties in favour of his wife Rajam @ Rajammal. The said Rajam @ Rajammal enjoyed the properties with full right and title during her lifetime and later executed a registered Will dated 27.02.2009 in favour of the plaintiff. After the death of Rajam @ Rajammal, the Will came into effect and the plaintiff has been in peaceful possession and enjoyment of the suit schedule property as absolute owner without any interruption.

1.2 The plaintiff further states that, the certified copy of the sale deed purchased by the plaintiff's father regarding the plaint schedule property and other properties (Telugu version) and Tamil translated version, settlement deed executed by the plaintiff's father in favour of the plaintiff's mother, will executed by the plaintiff's mother in favour of the plaintiff, letter to revenue official given by the plaintiff, Patta, Chitta, legal notice with receipt and acknowledgment, Death certificate and Legal heirship certificate of Rajam @ Rajammal and Kist receipts are filed herewith for the kind perusal of this Court and the defendant, who is the cousin brother of the plaintiff, attempted to interfere with the plaintiff's peaceful possession of the suit schedule property at the end of June 2020 claiming that the property stood in the name of his

father. On verification of the revenue records, the plaintiff found that the name of the defendant's father Sekar had been included in the computerised chitta.

1.3 He further states that the defendant, who is working as a Surveyor in the Revenue Department, had misused his official position and fraudulently included his father's name in the revenue records with mala fide intention. The plaintiff immediately submitted a representation to the revenue authorities seeking removal of the name of the defendant's father and also issued a legal notice dated 06.07.2020 to the defendant restraining him from interfering with the suit property. Despite receipt of the notice, the defendant failed to send any reply. He further states that last week the defendant again come and try to disturb the plaintiff's peaceful possession and enjoyment of the same and scolded with filthy language and the plaintiff thwarted the same with great difficulties and the Act of the defendant is highly illegal and unlawful and it has no sanction at all on the eye of law. The defendant wants to grab the plaint schedule mentioned properties with the false claim. Hence, he has filed this suit.

2. The concise of the Written Statement filed by the Defendant is as follows:-

2.1 The defendant denies the various allegations made in the plaint and put the plaintiff to strict proof thereon save those which are expressly referred to and admitted herein and the suit is malicious, vexatious and the same is liable to be dismissed in limine. The defendant further submits that the property measuring 2 acres 26 cents

comprised in Survey No.521/4 situated at Mahimandalam Madura Village, Katpadi Taluk, Vellore District was originally purchased in the name of Seetharaman under a registered sale deed dated 22.06.1952 bearing Document No.1959 of 1952 registered at the Sub Registrar Office, Chittoor. However, the said property was purchased out of the family funds for the benefit of the family consisting of their mother Chinnathai Ammal and her children namely Seetharaman, Sekar, Krishnaveni, Poosanam and Lakshmi after the death of their father Munusamy in the year 1938. Since Seetharaman was the eldest son in the family, the property was purchased in his name for convenience though it was intended for the benefit of the family members.

2.2 He further states that, the female members of the family were married and living separately and had relinquished their rights, and therefore the property devolved upon Seetharaman and his brother M. Sekar. There was an oral partition between Seetharaman and his brother M. Sekar whereby the suit property was allotted to M. Sekar and patta was also issued in his name by the revenue authorities. Since then M. Sekar had been in exclusive possession and enjoyment of the property and had been paying taxes and other levies to the Government. After his death in the year 2015, the property devolved upon his legal heirs namely Sakunthala, Rajendran Prasanna, Bobby Prasanna and Jeyasumathi. The defendant states that the alleged settlement deed dated 21.04.1973 and the Will dated 27.02.2009 are fabricated documents created for the purpose of the case. The plaintiff is not in possession of the suit property and therefore a

suit for bare injunction is not maintainable without seeking a declaration of title. The allegation that the name of M. Sekar was included in the revenue records due to the influence of the defendant is false and baseless. Hence, they prayed to dismiss the suit.

3. On consideration of the Pleadings, the following issues were framed:-

- 1) Whether the suit property is in the possession of plaintiff ?
- 2) Whether the plaintiff is entitled to the relief of permanent injunction as sought for ?
- 3) To what relief the plaintiff is entitled to ?

4. In order to prove the Plaintiff's case, the plaintiff was examined himself as P.W-1 by way of filing Proof Affidavit, and Ex.A.1 to Ex.A.11 were marked through him and he was not cross examined and one Vageshwari was examined as P.W-2 by way of filing Proof Affidavit, and Ex.A.12 was marked through her and she was not cross examined and no oral evidence on the defendant side.

5. The Learned Advocate appeared on behalf of the Plaintiff argued that, the plaintiff's submit that they are the rightful owners of the plaint schedule property through lawful purchase, settlement, and a registered will, enjoying peaceful possession without interruption. The defendant has unlawfully attempted to interfere and falsely claimed rights over the property using his position in the Revenue Department. Hence, the plaintiffs seek a permanent injunction to restrain the defendant from interfering with their possession and enjoyment of the property.

6. Answering to the Issues No.1 & 2:-

6.1 The plaintiff submits that the suit schedule property originally belonged to his father, Seetharaman, who purchased the same along with other properties from Sivalingam and others under a registered sale deed dated 22.06.1952 bearing Document No.1959/1952, registered on 23.06.1952 before the Sub-Registrar Office, Chittoor. Subsequently, the said Seetharaman executed a registered settlement deed dated 21.04.1973 bearing Document No.1372/1973 before the Sub-Registrar Office, Katpadi, settling the suit schedule property and other properties in favour of his wife Rajam @ Rajammal. The said Rajam @ Rajammal enjoyed the properties with full right and title during her lifetime and later executed a registered Will dated 27.02.2009 in favour of the plaintiff. After the death of Rajam @ Rajammal, the Will came into effect and the plaintiff has been in peaceful possession and enjoyment of the suit schedule property as absolute owner without any interruption.

6.2 The plaintiff further submits that the defendant, who is the cousin brother of the plaintiff, attempted to interfere with the plaintiff's peaceful possession of the suit schedule property at the end of June 2020 claiming that the property stood in the name of his father. On verification of the revenue records, the plaintiff found that the name of the defendant's father Sekar had been included in the computerised chitta. The plaintiff states that the defendant, who is working as a Surveyor in the Revenue Department, had misused his official position and fraudulently included his father's name in the revenue

records with mala fide intention. The plaintiff immediately submitted a representation to the revenue authorities seeking removal of the name of the defendant's father and also issued a legal notice dated 06.07.2020 to the defendant restraining him from interfering with the suit property. Despite receipt of the notice, the defendant failed to send any reply.

6.3 The defendant denies all the allegations made in the plaint except those that are specifically admitted herein and puts the plaintiff to strict proof of the same. The defendant submits that the suit filed by the plaintiff is malicious, vexatious and devoid of merits and is therefore liable to be dismissed in limine. The defendant further submits that the property measuring 2 acres 26 cents comprised in Survey No.521/4 situated at Mahimandalam Madura Village, Katpadi Taluk, Vellore District was originally purchased in the name of Seetharaman under a registered sale deed dated 22.06.1952 bearing Document No.1959 of 1952 registered at the Sub Registrar Office, Chittoor. However, the said property was purchased out of the family funds for the benefit of the family consisting of their mother Chinnathai Ammal and her children namely Seetharaman, Sekar, Krishnaveni, Poosanam and Lakshmi after the death of their father Munusamy in the year 1938. Since Seetharaman was the eldest son in the family, the property was purchased in his name for convenience though it was intended for the benefit of the family members. The female members of the family were married and

living separately and had relinquished their rights, and therefore the property devolved upon Seetharaman and his brother M. Sekar.

6.4 The defendant further submits that there was an oral partition between Seetharaman and his brother M. Sekar whereby the suit property was allotted to M. Sekar and patta was also issued in his name by the revenue authorities. Since then M. Sekar had been in exclusive possession and enjoyment of the property and had been paying taxes and other levies to the Government. After his death in the year 2015, the property devolved upon his legal heirs namely Sakunthala, Rajendran Prasanna, Bobby Prasanna and Jeyasumathi. The defendant states that the alleged settlement deed dated 21.04.1973 and the Will dated 27.02.2009 are fabricated documents created for the purpose of the case. The plaintiff is not in possession of the suit property and therefore a suit for bare injunction is not maintainable without seeking a declaration of title. The allegation that the name of M. Sekar was included in the revenue records due to the influence of the defendant is false and baseless. Hence the suit filed by the plaintiff is not maintainable and is liable to be dismissed with costs.

6.5 On careful considering the said facts, The plaintiff has filed the present suit seeking the relief of permanent injunction restraining the defendant from interfering with his peaceful possession and enjoyment of the suit schedule property. According to the plaintiff, the suit property originally belonged to his father Seetharaman who had purchased the same under a registered sale deed dated 22.06.1952 bearing Document

No.1959/1952 registered before the Sub-Registrar Office, Chittoor. In order to substantiate the said contention, the plaintiff has produced the certified copy of the sale deed which is marked as Ex.A1 and the translated Tamil version of the same as Ex.A2. These documents clearly show that the property stood in the name of the plaintiff's father Seetharaman. It is the further case of the plaintiff that the said Seetharaman had executed a registered settlement deed dated 21.04.1973 in favour of his wife Rajam @ Rajammal settling the suit schedule property and other properties. In order to prove the said settlement, the plaintiff has produced the certified copy of the settlement deed which is marked as Ex.A3. The said document shows that the property was settled in favour of Rajam @ Rajammal and she had been in possession and enjoyment of the property with full right and title during her lifetime.

6.6 The plaintiff has further contended that during her lifetime the said Rajam @ Rajammal executed a registered Will dated 27.02.2009 in favour of the plaintiff bequeathing the suit schedule property. In support of the said contention, the plaintiff has produced the certified copy of the Will marked as Ex.A4 and the original Will marked as Ex.A12. The death certificate of Rajam @ Rajammal has been produced and marked as Ex.A6 and the legal heirship certificate is marked as Ex.A7. These documents establish that after the death of Rajam @ Rajammal, the Will came into effect and the plaintiff claims to be in possession and enjoyment of the suit schedule property. In order to show his possession over the suit property, the plaintiff has produced the patta passbooks

standing in the name of his father, mother and himself which are marked as Ex.A9, Ex.A10 and Ex.A11. Further, the plaintiff has also produced the copy of the lawyer notice dated 06.07.2020 issued to the defendant which is marked as Ex.A5 and the letter given to the Tahsildar seeking removal of the name of the defendant's father from the revenue records which is marked as Ex.A8. These documents support the case of the plaintiff that he had objected to the interference of the defendant and asserted his possession over the suit property.

6.7 On the other hand, the defendant has contended that the property was purchased in the name of Seetharaman out of joint family funds and that there was an oral partition between Seetharaman and his brother M. Sekar under which the property was allotted to M. Sekar. However, except making such a contention in the written statement, the defendant has not produced any documentary evidence to substantiate the alleged oral partition or to prove that his father was in possession of the property. It is also pertinent to note that the defendant has not examined any witness nor marked any document on his side. Therefore, in the absence of any evidence on the side of the defendant and in view of the documentary evidence produced by the plaintiff marked as Ex.A1 to Ex.A12, this Court finds that the plaintiff has established his possession and enjoyment over the suit schedule property. Consequently, the interference attempted by the defendant is illegal and without any lawful basis. Hence, this Court holds that the

plaintiff is entitled to the relief of permanent injunction as prayed for and the suit is allowed.

7. Answering to the Issues No. 3:-

In view of the above findings recorded for the Issues-1 & 2, this Court concludes that this Issue to the effect that the Plaintiff is not entitled for any other reliefs. Accordingly, the Issues No. 3 is answered.

8. Result:-

In fine, from the above discussions, the Suit filed by the Plaintiff is hereby decreed and permanent injunction is granted in favour of the plaintiff the defendant not to interfere from the plaintiff peaceful possession and enjoyment of the suit property. No costs.

-//Dictated by me to the Steno-typist, and directly typed by her in Computer, and after rectification taken print out and pronounced by me in the Open Court, on this the 16th Day of March 2026.//-

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI

Plaintiff side Witnesses:-

1. P.W-1 – Giriraja Prasanna (the Plaintiff)
2. P.W.2- Vageswari

Plaintiff side Exhibits:-

Ex.A-1	22.06.1952	Certified copy of the sale deed as Doc.No.1959/1952
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Ex.A-2	22.06.1952	Attested copy of the translated sale deed (Tamil version)
Ex.A-3	21.04.1973	Certified copy of the settlement deed as Doc.No.1372/1973
Ex.A-4	27.02.2009	Certified copy of the will.
Ex.A-5	06.07.2020	Office copy of the Lawyer notice and original acknowledgment card.
Ex.A-6	29.09.2015	Original Death certificate of V.Rajam.
Ex.A-7	19.01.2016	Original Legal Heirship Certificate.
Ex.A-8	05.06.2020	Attested copy of letter issued by the plaintiff to the Tahsildar, Katpadi.
Ex.A-9	-	Original Patta pass book stand in the name of plaintiff father.
Ex.A-10	-	Original Patta pass book stands in the name of plaintiff mother.
Ex.A-11	-	Original Patta pass book stands in the name of plaintiff.
Ex.A-12	27.02.2009	Original will.

Defendant side Witnesses:- Nil

Defendant side Exhibits:- Nil

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI