

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
VILLUPURAM

Present : Thiru. A.Manimozhi, B.A., LL.B.,
Principal District Judge, Villupuram.

Monday, the 16th day of March 2026

O.S. No.96/2022
(CNR No.TNVP01-002954-2022)

Sakunthala

... Plaintiff

/Vs/

1. Appadurai Nainar

2. Sudharshana

3. The Joint Sub-Registrar-II,
Villupuram.

... Defendants

This suit coming on 18.02.2026 before me for final hearing in the presence of Tr.T.S.Subramanian, Advocate for the Plaintiff; and Tr.M.P.Sivakumar, Advocate for the 1st Defendant; Tr.M.Chakrapani, Advocate for the 2nd Defendant; 3rd Defendant not filed written statement, called absent and set exparte; and upon hearing the arguments of both side and upon perusing the records and having stood over till this day for consideration, this court delivered the following ...

J U D G M E N T

The plaintiff has filed the suit seeking partition and separate possession of her 1/3 share in the suit properties and for appointment of a Commissioner to hold an enquiry for accounting of the income from the defendants 1 and 2 from the date of plaint till delivery of the share of the plaintiff and for cost of the suit.

2. The averments made in the plaint, in brief, are as follows :-

a) The plaintiff is the sister of the defendants 1 and 2. Their father Ananthanadha Nainar and mother Jothirmalai died intestate on 02.05.1998 and 26.12.2003, respectively, leaving the plaintiff and defendants 1 and 2 as their only legal heirs to inherit their properties.

b) The mother Jothirmalai had obtained items 1 & 5 under registered sale deed dated 09.11.1954; and item no.3 under registered exchange deed dated 11.04.1955. The father Ananthanadha Nainar had obtained items 2, 4, 7 & 9 under the registered partition deed dated 12.01.1966 between himself and his brother Vimalanatha Nainar. He had obtained item no.6 under registered sale deed dated 14.11.1965.

c) From the Encumbrance certificate dated 29.03.2022 it is learnt that an extent of 2 cents in item no.8 had been acquired by the South Indian

Railway by the award dated 30.04.1925 of the Special Deputy Collector, Villupuram. Thus item 8 also belonged to Ananthanadha Nainar.

d) The suit properties belonged to the parents of the plaintiff and the defendants 1 and 2. The 1st defendant has not purchased any of the suit properties. Patta for the suit properties stands in the name of the father and 1st defendant. The patta stands in the name of 1st defendant because he happened to be the male member of the family. But the properties are not his separate properties. The 2nd defendant is unmarried and she is under the care and custody of the 1st defendant who is the younger brother of the plaintiff and the 2nd defendant.

e) The plaintiff and defendants 1 and 2 had entered into a registered partition deed dated 05.01.2022 in respect of the properties which are not the subject matter of the suit. The suit properties which are partible have been deliberately suppressed by the 1st defendant and not included in the partition deed. The plaintiff being the female member is not aware of the suppression of the suit properties at the time of execution of partition deed. She believed her brother the 1st defendant. Later when the 1st defendant was attempting to alienate the properties, she came to know that they also belonged to the parents and available for partition. Plaintiff is entitled to 1/3rd share in the suit properties while the defendants 1 and 2 are each

entitled to 1/3rd share. The plaintiff had caused a notice dated 27.01.2022 to the defendants 1 and 2. They acknowledged the notice, but have not sent any reply. The 3rd defendant (Joint Sub-Registrar-II) is only a formal party and no relief is claimed against him. Hence the suit.

3. The averments of the Written statement filed by the 1st Defendant in brief, are as follows :-

The marriage of the plaintiff was performed by the father Ananthanadha Nainar, with Tr.Vijayabalan who happened to be a government servant, in the year 1968, in a grand manner by doing all seers and gifts. Whereas, the 2nd defendant is a spinster, and she has been under the care and custody of 1st defendant. Therefore the 1st defendant, being the only male legal heir, his parents did not execute any will and died intestate. After their demise the 1st defendant has been in exclusive possession and enjoyment of all the properties. Patta for all the properties stands in his name. There has been misunderstanding between the plaintiff and the 1st defendant for over 10 years. A compromise was entered into between the plaintiff and the defendants 1 and 2, in which, it was agreed that the suit properties shall vest with the 1st defendant and shall not be subjected to partition. As such, a partition was effected on 05.01.2022 with respect to other properties. The plaintiff was well aware about these aspects and

agreed for the said partition and now wantonly filed the present suit alleging that the suit properties have been suppressed by the 1st defendant. The said averment of the plaintiff is false and the suit is not maintainable. Further, as the marriage of the plaintiff was held prior to 1989, she is not entitled to claim right or title in the ancestral properties and on that ground also the suit is liable to be dismissed.

4. The averments of the Written statement filed by the 2nd Defendant in brief, are as follows :-

a) The relationship set out in the plaint is admitted. The 2nd defendant is not under the care and custody of the 1st defendant. She has been maintaining and managing herself. The partition deed dated 05.01.2022 is admitted. The plaintiff and the defendants 1 and 2 were well aware of the family properties inherited from their parents. The plaintiff and her husband were demanding partition after the death of mother Jothirmalai on 26.12.2003. A number of panchayats were convened. The plaintiff had also preferred a police complaint. In the panchayat, the 1st defendant was asked to give the lands to an extent of 1 acre 49 cents in S.Nos.46/7, 46/8, 127/3 and 128/4 of Pidagam Village to the plaintiff on her choice and to execute a document conveying the same to her. The 2nd defendant was offered equal to that extent. The rest of the properties were agreed to be given to the

1st defendant because of his weak economic status. Accepting the terms, the 1st defendant had given a letter of compromise to the Sub-Inspector of Police, Anti-Land Grabbing cell, Villupuram on 25.11.2021. On the same day, the plaintiff's husband Vijayabalan had also given a letter on behalf of plaintiff to the said police officer, withdrawing her complaint besides agreeing to the said terms.

b) In furtherance of the said compromise, a partition deed was executed on 05.01.2022 and was registered with consent of both parties. An extent of 1 acre 45 cents was conveyed to the plaintiff. An extent of 1 acre 93½ cents was conveyed to the 2nd defendant. The 2nd defendant was given more extent of land because of non availability of irrigation facilities to her lands. An extent of 2 acres 61 cents was given to the 1st defendant, though he was entitled to more extent of land as per the compromise. However, those properties were not included since they were already sold out by him to 3rd parties or under litigation.

c) The 1st defendant had sold out the family properties to an extent of 1 acre 20 cents on 03.01.2003; 0.41 cents on 22.07.2004 to one Karthik and executed registered sale deeds for a consideration of Rs.1,08,000/- and Rs.51,700/- respectively. He had also sold an extent of 0.32 acres for Rs.25,000/- on 19.02.2003 to one Valliyammal. These are the properties

pertain to the suit property items 1 to 6 and in S.Nos.280/1A1, 280/1F, 117/1B, 117/3, 286/1, 286/3, 290/1, 291/2 and 292/5. The said purchasers are necessary parties to the suit. The properties sold out to them are also to be brought up for partition. The suit is vitiated by non joinder of necessary parties and cause of action.

d) The 1st defendant had entered into a registered sale agreement on 03.09.2021 in respect of suit items 7 to 9 with one Ulaganathan. In respect of the said properties a suit is pending on the file of I Additional Subordinate Court, Villupuram in O.S. No.590/2021. The plaintiff has deliberately suppressed the same inspite of her specific knowledge and without impleading them as parties to the suit. The plaintiff has not come to the court with clean hands.

e) The suit is not maintainable without setting aside the registered partition deed effected on 05.01.2022. The plaintiff is estopped from seeking partition and separate possession. The allegation that the 1st defendant suppressed the existence of suit properties at the time of partition deed, is not true and correct but concocted for filing the suit. The suit is liable to be dismissed with cost.

5. On the basis of the plaint and written statement filed by the 1st defendant, this Court has framed the following issues on 20.01.2023 for consideration :-

1. Whether the plaintiff is entitled for partition and separate possession of plaintiff's 1/3rd share in the suit properties?
2. To what relief?

6. Since, 2nd Defendant filed written statement later, this Court has framed the following Additional Issues on 05.02.2025 :-

1. Whether it is correct that the plaintiff was not aware of suppression of the suit properties at the time of the execution of the partition deed dated 05.01.2022?
2. Whether the suit is not maintainable without setting aside the partition deed effected on 05.01.2022?
3. Whether the suit bad for non-joinder of necessary parties?
4. Whether the suit is vitiated by the non-joinder of necessary cause of action?

7. During the trial before this Court, on the side of plaintiff, the plaintiff's husband Tr.Vijayabalan was examined as PW1; and Exs.A1 to A18 were marked; and on the side of the defendants, the 1st defendant was examined as DW1; and the 2nd defendant was examined as DW2 and Exs.B1 to B5 were marked.

8. In the trial, on 20.09.2025 a memo was filed on the plaintiff side stating that the plaintiff is giving up her claim with regard to suit properties in item nos.7, 8 and 9 and the same was recorded.

9. Heard the arguments of plaintiff and defendants 1 & 2 side. Perused the records.

DISCUSSION :-

I. Answer to the Additional Issue No.1 :-

10. The contention of the Plaintiff :

a) The plaintiff is the elder sister of defendants 1 and 2. They are the children of Ananthanadha Nainar – Jothirmalai who died on 02.05.1998 and 26.12.2003 respectively, intestate, leaving behind the plaintiff and defendants 1 and 2 as their only legal heirs to inherit their properties. The 2nd defendant is a spinster. Several properties were owned by their parents. Dispute had arisen between the parties over partition of the properties after the demise of their mother. The plaintiff filed a complaint before the police station. Several panchayats were held. Then they entered into a partition on 05.01.2022 dividing the properties and a partition deed was executed and registered. The said partition deed relates to some other properties, which are not the subject matter of the suit. There is no dispute regarding these aspects.

b) The present suit has been filed by the plaintiff seeking partition and separate possession of her 1/3 share in the suit property, contending that the said property, which originally belonged to the parents of the parties, was left out and suppressed at the time of the earlier partition dated 05.01.2022. The plaintiff contends that the 1st defendant who is the only male member of the family and who was in possession and enjoyment of the properties left out by their parents, had suppressed the existence of the suit property during the earlier partition.

11. The contention of the Defendants 1 & 2 :

a) The 1st defendant contends that the plaintiff was well aware of the existence of suit property even at the time of the earlier partition. It was mutually agreed at that time that the suit property should go to the share of the 1st defendant since he was maintaining the 2nd defendant who is a spinster, whereas the plaintiff had already been married to a government servant and had been provided with sufficient seer and other benefits.

b) The 2nd defendant contends that certain other properties had been sold already by the 1st defendant to some 3rd parties. The said properties and the purchasers have not been added/impleaded in the present suit. The suit is therefore bad for partial partition and non joinder of

necessary parties. The 2nd defendant would further contend that the suit is not maintainable without setting aside the earlier partition deed.

c) As such, the defendants have contended that the suit is liable to be dismissed.

12. Analysis of evidence :

a) The plaintiff has produced the Sale deed (Ex.A2), Exchange deed (Ex.A3) and Partition deed (Ex.A4) and other Revenue documents as Exs.A8 to A12 and the Encumbrance certificates Exs.A5 to A7 and A18, and Ex.A1 copy of the award in the Land acquisition proceedings, to show that the suit properties originally belonged to their parents. The said documents were not disputed by the defendants. In fact the 1st defendant while tendering evidence as DW1, during cross examination admitted these aspects. His evidence is as follows :-

...அனைத்து சொத்துக்களுக்கும் கிரையம் தாயார் பெயரிலும் தகப்பனார் பெயரிலும் உள்ளது என்றால் சரிதான். ... வழக்கு அயிட்ட சொத்து எண்.1,2,4,5,6 ஆகிய இனங்கள் பொறுத்தவரை பட்டா எண்.24ல் என் தந்தை பெயரில் உள்ளது என்றால் சரிதான். ... மற்ற இன சொத்துக்களை பொறுத்து பட்டா எண்.944ல் குறிப்பாக வழக்கு அயிட்ட சொத்து எண்.3, புல எண்.119/4 என் தாயார் பெயரில் உள்ளது. ... இந்த சொத்துக்கள் அனைத்தையும் நான் தான்

அனுபவித்து வருகிறேன். ஆனால் அடங்கலில் என் பெயரிலும் என் தகப்பனார் பெயரிலும் வருகிறது என்றால் சரிதான். ...

b) The 2nd defendant has also not denied the title of her parents to the suit properties. Thus, it is an admitted fact that the suit properties originally belonged to their parents.

13. Suppression aspect :

a) Admittedly, in the earlier partition deed dated 05.01.2022 under Ex.A17, the suit property has not been included in the schedule of properties divided under the said deed. The defendants would state that there was an mutual agreement that the suit properties should go to the share of 1st defendant. However, it is very clear from the perusal of Ex.A17 that such alleged understanding is not reflected in the partition deed. This aspect has also been admitted by DW1(1st defendant) during cross examination which is extracted as under ;

...அந்த பாகப்பத்திரத்தில் வழக்கு சொத்துக்கள் பொறுத்து வழக்கு நிலுவையில் உள்ளது என்று எழுதப்படவில்லை என்றால் சரிதான். வழக்கு சொத்துக்கள் அந்த பாகப்பத்திரத்தில் யார் பாகத்திலும் வைக்கப்படவில்லை என்றாலும் அது காண்பிக்கப்படவில்லை என்றால் சரிதான். ... பாகப்பத்திரத்தில் விடுபட்ட சொத்துக்கள் எனக்கு சேரவேண்டும் என்று வாசகம் எழுதவில்லை என்றால் சரிதான். ...

b) It is pertinent to mention that the earlier partition deed had been entered into after dispute had arisen between the parties and while so if the existence of the suit property had been really known to all the parties and if there had been a mutual agreement with regard to the suit property, then it might have been reflected in the partition deed. There is no acceptable reason has been suggested by the defendants for non inclusion of such recitals in the earlier partition deed. Therefore, the defence contention that there had been a mutual agreement and there was no suppression by the 1st defendant, is neither believable nor acceptable. It is stated that there had been several panchayats and this arrangement has been agreed by the parties. If it was so, then the defendants ought to have examined some independent witness to prove the said aspect. But the defendants have not chosen to examine any independent witness to prove this aspect. In the absence of any oral/documentary evidence to show that the suit property was actually agreed to be allotted to the 1st defendant at the time of earlier partition, this Court finds that the case of plaintiff, that she was not aware about the existence of the said suit property at the time of earlier partition and that the 1st defendant had suppressed the same, is probable, reliable and acceptable, for the reason that being a female heir, married and settled at her husband's place, she might not have been in a position to gain

knowledge about full details of the properties left out by her parents and available at the hands of the 1st defendant who happens to be the only male member. Therefore, this Court comes to the conclusion that the plaintiff was not aware of the existence of the suit properties at the time of the earlier partition deed as the same was suppressed by the 1st defendant. This issue is answered accordingly

II. Answer to the Additional Issue No.2 :-

14. Setting aside earlier partition deed :

a) The 2nd defendant has raised a contention that the suit is not maintainable since the plaintiff had not sought to set aside the earlier partition deed. The plaintiff, on the other hand, would contend that the plaintiff is neither challenging the earlier partition deed nor disputing the same, but the present suit is filed only for partition of property omitted at the time of earlier partition and therefore the suit is well maintainable without seeking relief to set aside the earlier partition deed. The learned counsels on either side relied upon judicial precedents to support their contentions.

b) The learned counsel for the plaintiff relied upon the decisions cited below :-

i. [1927] 0 AIR(Mad) 213, Duvvuri Subramaniam and Another Vs. Duvvuri Lakshminarasamma, dated 10.08.1926.

5. When parties are ignorant as to the existence of some family property and divide the property that is known to them, and if afterwards it be discovered that some property belonging to the joint family has been left undivided, I do not see any ground for refusing to give relief to the party who asks for partition. ...

ii. [2010] 3 CTC 385, V.Angappan Vs. Palaniappan & Others, dated 23.03.2010.

12. ... If by mistake, or the like, acting innocently and fairly, a partition of a portion only of their estate has been made, whether by order of the Court or otherwise, there is no reason why the Court should not grant a division of the remainder at the instance of one or more of the co-owners. In such a case, there could be no omission to sue within the meaning of Rule 2 of Order 2 of the Code.

c) The learned counsel for the 2nd defendant would rely upon the decisions cited below :-

i. AIR 2000 ANDHRA PRADESH 29, Kasireddy Ramayamma Vs. Kasireddy Rama Rao, dated 05.07.1999.

11. ... Once the title passes under a duly executed and registered document as per the provisions of the Transfer of

Property Act and the Indian Registration Act, there remains no subsisting right, title or interest of whatsoever nature to fall back or to recall or to cancel any such document except by taking recourse to a civil remedy seeking cancellation as contemplated under Section 31 of the Specific Relief Act. ...

ii. AIR 2001 MADRAS 184, K.Jagannathan Vs. A.M.Vasudevan Chettiar and Others, dated 25.01.2001.

27. There is no dispute that even under Ex.A-4, the plaintiff who was a minor at the relevant time, was made eo nomine party. In such a circumstance, as rightly contended, he has to pray for cancellation of the earlier partition expressly or impliedly by paying necessary court-fees. ...

iii. Hon'ble High Court of Madras in A.S. No.918 of 2010, T.Bai Ammal and Others Vs. T.Sampath, dated 08.07.2011.

36. ... On a combined study of the testimonies of PW1 and DW1 and the other materials, it has been brought into light that the plaintiff was well aware of the execution of the partition deed under Ex.A3. Probably he may not have signed in the partition deed, for that reason alone the said partition deed under Ex.A3 cannot be brushed aside as invalid. But, it is apparent that the plaintiff has been allotted a sizeable share, which is more than the required extent towards his 1/6th share.

Therefore, if at all the plaintiff wanted to assail the document under Ex.A3, he could have filed a suit for declaration that the said document is null and void and it will not bind upon him.

d) It is relevant to mention that in the decisions relied on the side of the plaintiff the facts and circumstances are more or less similar to the instant case. But, the decisions relied on by the 2nd defendant's side, the facts and circumstances are not similar to the case on hand. In the decision 1st cited, the dispute was with regard to the validity of a settlement deed. In the decision cited no.2, the minor after becoming major has chosen to challenge the partition deed. In the decision cited no.3 the plaintiff therein was not a party to the partition deed though he was allotted some share in the partition deed and subsequently he challenged the partition deed. In that context, it has been observed that without seeking a prayer to set aside the earlier partition, the suit for partition was not maintainable.

e) But, in the instant case, as already discussed, the plaintiff has not disputed the division of the properties through the earlier partition deed. The present suit is only for the properties left out in the earlier partition deed. It is further relevant to note that the 1st defendant has not chosen to take a defence that there is no prayer to set aside the earlier partition.

He admitted that the 2nd defendant is residing in the same house along with him and he is taking care of her. The 2nd defendant remained *exparte* till the completion of the cross examination of 1st defendant(DW1) in the suit. Then she had chosen to file application to set aside the *exparte* order, filed written statement and taken part in the proceedings and challenged the suit on the grounds which were not originally taken by the 1st defendant. The learned counsel for the plaintiff would contend that the conduct of the 2nd defendant is relevant and that the 2nd defendant has been made to raise such grounds by the 1st defendant to get over some important admissions made by him during the cross examination. The said contention appears to be probable and acceptable.

f) From the decisions produced by the plaintiff, the legal position is fairly settled that when certain joint family properties are left out either by mistake, oversight or suppression during an earlier partition, the cosharers are entitled to file a separate suit for partition of the omitted properties. Such a suit does not amount to reopening the earlier partition, but merely seeks division of property which was never the subject matter of the earlier partition. Therefore, the earlier partition deed need not be set aside for maintaining such a suit. In view of the said legal position, the contention of the 2nd defendant that the suit is not maintainable cannot be

accepted. This issue is answered accordingly.

III. Answer to the Additional Issues No.3 & 4 :-

15. Partial partition and non joinder of parties :

a) Here also, it is very relevant to mention that the 1st defendant has not taken this defences either in the written statement or during his evidence. The 2nd defendant who subsequently entered appearance and filed written statement, after the cross examination of the 1st defendant in the suit, has taken this defences. She would contend that certain other properties had been sold by the 1st defendant to 3rd parties through the sale deeds under Exs.B3 to B5 and the said properties have not been added in the suit and the purchasers have not been impleaded.

b) Exs.B3 to B5 sale deeds are of the year 2003 and 2004. Admittedly the said sale deeds have been executed by the 1st defendant to 3rd parties. The learned counsel for the plaintiff would contend that the said sales had taken place long prior to the execution of the registered partition deed under Ex.A17 in the year 2022 and therefore the said properties have not been included in the earlier partition deed and the plaintiff is also not interested to challenge the said sales. The learned counsel for the plaintiff would further contend that the plaintiff never disposed any family property,

but it is only the 1st defendant who had executed the sale deeds and the 1st defendant had not taken the defence of partial partition and therefore the present suit is neither bad for partial partition nor barred under Order 2, Rule 2 CPC.

c) The learned counsel for the 2nd defendant would contend that the plaintiff cannot be allowed to omit properties at his discretion and seek partition of only portion of the properties and therefore the suit is bad for partial partition. The decisions reported in **2019-5-L.W.204** and **2019-5-L.W.857** were relied upon to support the said contention. In the 1st decision, the suit was laid by the plaintiff for general partition of the properties. In the said suit the plaintiff had included only parties in respect of a set of alienations and he did not implead some other parties who had purchased the property and in that context it was observed that the plaintiff cannot be allowed to take two different stands. In the 2nd decision, the Hon'ble High Court has placed reliance on the decisions rendered in ***Gandhi Vs. Saminatha Gounder and Kenchegowda Vs. Sri Siddegowda @ Motegowda***, to hold that the suit was bad for partial partition. It is to be noted that in the said two decisions, it has been held that the suit for partition must include the whole estate which is available. But in the case on hand, admittedly the properties covered under Exs.B3 to B5 had been

sold by the 1st defendant himself about 18 years prior to Ex.A17 partition deed. The plaintiff was not inclined to question the said sales and therefore the decisions relied upon by the 2nd defendant would not lend a helping hand to the case of 2nd defendant. Hence, the failure to add the said properties and to implead the purchasers at this stage, would not render the suit not maintainable, since the plaintiff seeks partition only in respect of the property omitted from the earlier partition. As such, the present suit cannot be termed as one impermissible for partial partition and non joinder of necessary parties. The objections raised by the 2nd defendant on these grounds are not sufficient to defeat the suit.

d) Therefore this Court decides that the suit is not bad for partial partition; not bad for non joinder of necessary parties; and the suit is not vitiated by the non joinder of necessary cause of action. This issues are decided accordingly.

IV. Answer to the Issues No.1 & 2 :-

16. (a) The suit property originally belonged to the deceased parents of the parties, who died intestate. Therefore the plaintiff and the defendants 1 and 2 are equally entitled to succeed the property. Since, the suit property was not included in the earlier partition, it continues to remain

joint among the parties. It has been held above that the 1st defendant suppressed about the existence of the suit property available for partition, at the time of Ex.A17 partition deed. Further during the cross examination DW1/the 1st defendant has admitted that he is ready to give the share to which the plaintiff is entitled to. (வாதிக்கு சேர வேண்டிய பாகத்தை நான் கொடுக்க தயாராக உள்ளேன்). While so, the contention of the 2nd defendant that the plaintiff is not entitled to claim share in the suit property and that the suit is not maintainable, are without any merits. In the absence of any evidence showing that the plaintiff relinquished her rights in the suit property, the plaintiff is entitled to claim her lawful share in the suit property.

(b) The plaintiff is not disputing the 1/3 share to which the defendants 1 and 2 each are entitled. During the trial, the plaintiff has filed a memo giving up her claim in respect of item nos.7 to 9 of the suit schedule properties, in view of pendency of another suit in O.S. No.590/2021 on the file of Additional Subordinate Court, Villupuram, relating to the said properties. The said memo was recorded on 20.09.2025. Hence, this Court holds that the plaintiff is entitled to 1/3 shares in the suit property item nos.1 to 6 and entitled to claim for partition and separate

possession of her share in the said property. The plaintiff is entitled to seek for accounts of the income as prayed in the suit. The defendants 1 and 2 are directed to divide the suit property item nos.1 to 6 and allot the 1/3 shares to the plaintiff. In the event of their failure, the plaintiff is entitled to apply for final decree for allotment of her shares. Accordingly, this issues are decided partly in favour of the plaintiff.

RESULT :

In the result, the Suit is decreed in part and Preliminary Decree for partition is passed as follows :-

- (i) that the Plaintiff is entitled to 1/3 shares in the suit schedule properties item nos.1 to 6;
- (ii) that the Defendants 1 and 2 are directed to divide the same into three equal shares and allot one such share to the plaintiff;
- (iii) that the Defendants 1 and 2 are directed to render true and proper accounts of the income derived from the suit schedule properties item nos.1 to 6 from the date of suit till date of delivery of possession to the plaintiff;
- (iv) that an enquiry under Order 20, Rule 12 of CPC shall be conducted during the final decree proceedings to determine the income from the suit schedule properties item nos.1 to 6 and the share payable to the plaintiff;
- (v) that the plaintiff shall immediately file final decree application

for effecting division of the property by metes and bounds and for determination of the amount payable towards the plaintiff's share of income from the suit property item nos.1 to 6. The suit in respect of item nos.7 to 9 stands dismissed as not pressed and the memo dated 20.09.2025 shall form part of this decree; and

(vi) that the parties are directed to bear their respective cost.

Judgment dictated by me to the Stenographer, transcribed by him in the Computer, corrected and pronounced by me, in the open court, this the 16th day of March 2026.

Principal District Judge,
Villupuram.

List of witnesses examined on the side of the Plaintiff :-

P.W.1 – Tr.Vijayabalan

List of Exhibits marked on the side of the Plaintiff :-

Ex.A.1/30.04.1925	Award of the Special Deputy Collector, Villupuram in favour of Southern Railway in respect of S.No.485/7, Pidagam Village. (Certified copy)
Ex.A.2/09.11.1954	Sale deed executed by Velu Pillai and others in favour of Jothirmalai. (Downloaded Certified copy)
Ex.A.3/11.04.1955	Exchange deed entered between Jothirmalai and Ragunatha Gounder. (Downloaded Certified copy)
Ex.A.4/12.01.1966	Partition deed entered between Ananthanadha Nainar

	and Vimalanatha Nainar. (Downloaded Certified copy)
Ex.A.5/29.03.2022	Encumbrance certificate for the period from 01.01.1924 to 31.12.1966.(Original)
Ex.A.6/29.03.2022	Encumbrance certificate for the period from 01.01.1967 to 31.12.1974.(Original)
Ex.A.7/27.01.2022	Encumbrance certificate for the period from 01.01.1975 to 26.01.2022.(Online copy)
Ex.A.8/23.09.2021	Patta No.15 stands in the name of 1 st defendant. (Downloaded copy)
Ex.A.9/25.09.2021	Patta No.24 stands in the name of 1 st defendant. (Downloaded copy)
Ex.A.10/20.10.2021	Patta No.944 stands in the name of Jothirmalai and Thiagarajan. (Downloaded copy)
Ex.A.11/20.10.2021	Patta No.958 stands in the name of 1 st defendant and Muthusamy. (Downloaded Certified copy)
Ex.A.12/27.11.2022	Adangal issued by the V.A.O., Pidagam for the suit property. (Original)
Ex.A.13/27.01.2022	Notice issued by the counsel for the plaintiff to the defendants with postal receipts. (Office copy)
Ex.A.14/ .-	Acknowledgment by the 1 st Defendant.
Ex.A.15/ -	Acknowledgment by the 2 nd Defendant.
Ex.A.16/ -	Acknowledgment by the 3 rd Defendant.
Ex.A.17/05.01.2022	Partition deed entered between the plaintiff and defendants 1 and 2. (Downloaded Certified copy)
Ex.A.18/16.12.2022	Encumbrance certificate issued for the period 01.01.1924 to 31.12.1966 by the Sub-Registrar-II, Villupuram.(Original)

List of witnesses examined on the side of the Defendants :-

D.W.1 – Tr.Appadurai Nainar (1st Defendant)

D.W.2 – Tmt.Sudharshana (2nd Defendant)

List of Exhibits marked on the side of the Defendants :-

Ex.B.1/02.09.2022	Patta no.15 stands in the name of 1 st defendant. (Downloaded copy)
Ex.B.2/02.09.2022	Patta no.24 stands in the name of 1 st defendant. (Downloaded copy)
Ex.B.3/08.01.2003	Sale deed executed by the 1 st defendant for himself and on behalf of minor as guardian, to one Karthi (Online certified copy)
Ex.B.4/19.02.2003	Sale deed executed by the 1 st defendant for himself and on behalf of minor as guardian, to one Valliyammai (Online certified copy)
Ex.B.5/22.07.2004	Sale deed executed by the 1 st defendant and his son Vijayanand to one Karthi (Online certified copy)

Sd/- A.M
P.D.J
VPM.

Draft/Fair Judgment

O.S. No.96/2022

Dated. 16.03.2026