

**IN THE COURT OF THE DISTRICT MUNSIF, VANUR.****PRESENT. D.PONVENTHAN., B.Tech., M.L.,****District Munsif, Vanur.**Friday, the 24<sup>th</sup> day of April 2026

(2057-ம் திருவள்ளூர்வராண்டு, பராபவ வருடம், சித்திரை மாதம் 11-ம் நாள்

வெள்ளிக்கிழமை)

**O.S.No:86/2009****CNR NO:-TNVP- 35-000006-2025**

1. Porkalai.

2. Jayalakshmi.

.... Plaintiffs

//Vs//

1. Arumugam (died).

2. Anbukarasi.

4. Balakrishnan.

5. Logapriya.

6. Manchuladevi.

(Amended As per Order in I.A.No.910/2024, Dated 13.12.2024)

.... Defendants

This suit came up for final hearing on 22.04.2026 in the presence of Learned counsel Mr.R.R.K.Senthil, for Plaintiff No.1, Learned counsel Mrs.Ramya Ramachandran for Plaintiff No.2, Learned counsel Mr.T.S.Jayachandiran, for Defendants and upon hearing the arguments of Plaintiff No.2, despite opportunity no arguments being advanced by Plaintiff No.1 & Defendants and on perusing the records and having stood over for consideration till this day, this Court delivers the following:

## **JUDGMENT**

1. This instant suit is filed seeking for the relief of Permanent Injunction restraining the Defendants No.2 to 5, their men, agents from disturbing the plaintiff's peaceful possession and enjoyment of the "A" & "B" schedule properties from any manner and for costs.

### **2. PLAINT AVERMENTS IN CRUX:-**

2.1) The plaintiffs and the 1<sup>st</sup> defendant are siblings born to one Nagarathinam and Amirthammal. The plaintiffs parents, out of their hard work had purchased properties at Thiruchitrambalam and Irumbai Villages. The plaintiffs father was died 45 years ago. Subsequent to the death of plaintiffs father, their mother out of her hard work had purchased some properties.

2.2) The plaintiffs mother, the plaintiffs and the 1<sup>st</sup> defendant had entered into a registered partition deed dated 22.03.1991 vide Document No.624/1991 and from the date of partition, the respective sharers were been in absolute possession and enjoyment of their respective shares. The plaintiffs mother had sold out her share of land to the plaintiffs through two sale deeds dated 14.07.2009 vide Document No.3377/2009 & 3378/2009. From the date of execution of sale deeds, the plaintiffs were in absolute possession and enjoyment of the suit properties.

2.3) On 14.07.2009 & 29.07.2009 the 1<sup>st</sup> defendant, who is the brother of plaintiffs, had tried to trespass and interfere with the plaintiffs peaceful possession and enjoyment of the suit properties and the same was prevented by the plaintiffs

through elder members of the village. Pending trial, the 1<sup>st</sup> defendant was died on 09.08.2020 and his legal heirs were impleaded as Defendants No.2 to 5. Hence the suit for injunction.

### **3. WRITTEN STATEMENT OF DEFENDANT NO.1 IN CRUX:-**

**3.1)** The defendant has stated that, the plaintiffs have never been in enjoyment of the family properties as per partition deed dated 22.03.1991 and the sale deeds dated 14.07.2009 executed in favour of the plaintiffs were executed without any consideration and the plaintiffs were never been in enjoyment of the suit properties. Further stated that, the defendant is in enjoyment of the suit properties and sought for dismissal of the suit.

### **4. WRITTEN STATEMENT OF DEFENDANTS NO.2 TO 5 IN CRUX:-**

**4.1)** The defendants denied all the averments in the plaint and have stated that, the plaintiffs were never been in enjoyment of the suit properties as per partition deed dated 22.03.1991. The 1<sup>st</sup> defendant has purchased the suit property prior to execution of partition deed dated 22.03.1991 and was been in possession and enjoyment of the suit properties and died intestate on 09.08.2020. Subsequent to the death of the 1<sup>st</sup> defendant, the Defendant No.2 to 5 have constructed a house in suit property and acquired electricity connection and were been in possession and enjoyment of the suit properties. The plaintiffs had deceived their mother named Amirthammal and made her to execute the sale deeds in Document No.3377/2009 & 3378/2009 dated 14.07.2020. Both the sale deeds have never came into enforcement and the defendants were been in continuous possession and enjoyment of the suit properties.

4.2) The defendants denies the title and possession of the plaintiffs over the suit properties and because of which, the suit for injunction simplicitor is not maintainable and further stated that the plaintiffs ought to seek for relief of declaration. The partition deed dated 22.03.1991 was abandoned by the parties and the plaintiffs cannot seek any relief based on the partition deed dated 22.03.1991 and sale deeds dated 14.07.2009 in Document No.3378/2009 & 3379/2009 and sought for dismissal of the suit.

**5. On Considering the pleadings of both sides, the following issues were framed on 09.06.2010.**

1.	Whether the plaintiffs are in enjoyment of the properties on the date of presentation of the plaint or not?
2.	Whether plaintiffs are entitled for the relief of permanent injunction as prayed for or not?
3.	To what other relief?

**6. EVIDENCE:-**

On the side of plaintiffs, the 1<sup>st</sup> plaintiff was examined as PW-1 and Ex.A1 to Ex.A.6 were marked through her. The 2<sup>nd</sup> plaintiff was examined as PW-2 and no documents were marked through her. On the side of defendants, the 2<sup>nd</sup> defendant was examined as DW-1 and Ex.B1 to Ex.B12 were marked through her. On the side of defendants, One Mr.Baskar was examined as DW-2 and no documents were marked through him.

## **7. DOCUMENTS:-**

7.1) Ex.A.1 is the registered partition deed dated 15.03.1991 executed between one Amirthammal, 1<sup>st</sup> plaintiff, 2<sup>nd</sup> plaintiff and 1<sup>st</sup> defendant and the same was registered on 22.03.1991 on the file of Sub-Registrar, Vanur. On perusal of Ex.A1, it reveals that, “A” schedule property was allotted to Amirthammal, “B” schedule property was allotted to 1<sup>st</sup> plaintiff, “C” schedule property was allotted to 2<sup>nd</sup> plaintiff and “D” schedule property was allotted to 1<sup>st</sup> defendant. Ex.A2 is the sale deed dated 14.07.2009 executed by Amirthammal in favour of 1<sup>st</sup> plaintiff. On perusal of Ex.A2 it reveals that, an extent of 50 cents in Ayan Punjai Survey No.138/3, Resurvey No.153/3 was sold to the 1<sup>st</sup> plaintiff for a consideration of Rs.1,50,000/-. Ex.A3 is the sale deed dated 14.07.2009 executed by Amirthammal in favour of 2<sup>nd</sup> plaintiff with respect to 50 cents in in Ayan Punjai Survey No.138/3, Resurvey No.153/3. On perusal of Ex.A1, Ex.A2 & Ex.A3 it reveals that, the suit properties are nothing but the properties mentioned in Ex.A1, Ex.A2 & Ex.A3. Ex.A4 is the receipt dated 04.06.2008 issued by Irumbai Cooperative Bank Limited, in the name of Amirthammal for savings Account No.1851. Ex.A5 is the Electricity Bills dated 09.06.2006 & 07.08.2006 in the name of 2<sup>nd</sup> plaintiff. Ex.A6 is the Electricity Bills dated 02.06.2009 & 07.08.2009 in the name of 2<sup>nd</sup> plaintiff.

7.2) Ex.B1 is the joint Patta in No.849 for Survey No.153/3A1A1. On perusal of Ex.B1 it reveals that, joint Patta was registered in the name of three person namely Balakrishnan, Son of Janakiraman, Ranganatha Kounder, Son of Thamizharasan, Gopal Son of Nagarathina Kounder. Ex.B2 is the FMB for Survey No.153. Ex.B.3 is

the house tax receipt dated 24.02.2004 in the name of 1<sup>st</sup> defendant. Ex.B4 is the house tax receipt dated 07.06.2014 in the name of 1<sup>st</sup> defendant. Ex.B5 to Ex.B12 are the electricity bills dated 11.12.2008, 16.04.2010, 12.08.2010, 31.01.2013, 22.09.2014, 18.11.2014, 22.09.2014, 18.11.2014 in the name of the 1<sup>st</sup> defendant.

**8.** Both sides heard. Records perused.

**9. ISSUE NO.1 & 2:-**

**9.1)** It is the case of the plaintiffs that, the suit property is family properties of plaintiffs and 1<sup>st</sup> defendant and the same was partitioned between the plaintiffs, their mother Amirthammal and their brother 1<sup>st</sup> defendant. The plaintiffs have stated that, they have purchased the part of the suit property from their mother through Ex.A2 & Ex.A3 sale deeds. The plaintiffs have stated that, the 1<sup>st</sup> defendant had trespassed into the suit property and tried to interfere with the plaintiffs peaceful possession and enjoyment over the suit property and sought for temporary injunction against the defendants. On the other hand, it is the case of the defendants that, the Ex.A1 partition deed was never acted upon and the suit properties were being enjoyed by the defendants. Further it is the case of the defendants that, Ex.A2 & Ex.A3 sale deeds were executed without any consideration and sought for dismissal of the suit.

**9.2)** The suit properties were classified as “A” & “B” schedule properties. The properties in Thiruchitrambalam Village in Survey No.210/3, 210/4, 210/5 to an extent of 1.10 acre and the property in Irumbai Village in Survey No.160/7, 161/9 to an extent of 0.05 ¼ acre and the property in Irumbai Village in Ayan Punjai Survey

No.138/3, Resurvey No.153/3 to an extent of 50 cents were described as suit "A" schedule property. On perusal of Ex.A1, partition deed, it reveals that, the properties allotted to 1<sup>st</sup> plaintiff & 2<sup>nd</sup> plaintiff were mentioned as suit properties. On perusal of Ex.A2 & Ex.A3 sale deeds it reveals that, the property allotted to Amirthammal as "A" schedule property in Ex.A1 partition deed were sold out to 1<sup>st</sup> and 2<sup>nd</sup> plaintiffs through Ex.A2 & Ex.A3 sale deeds and the said properties were also mentioned as suit properties.

9.3) The plaintiffs have stated that, they are the absolute owners of the suit properties through Ex.A1, Ex.A2 & Ex.A3 deeds. On the other hand, it is the case of the defendants that, the Ex.A1, Ex.A2 & Ex.A3 deeds have never been acted upon. But, the defendants have not denied about the execution of Ex.A1 partition deed. In Ex.A1 partition deed, the plaintiffs, their mother Amirthammal and the 1<sup>st</sup> defendant were parties and executed the partition deed by endorsing. The 1<sup>st</sup> defendant has not denied his signature in Ex.A1 partition deed. The DW-1 in her cross examination has admitted about the execution of Ex.A1 partition deed. The relevant portion of cross examination of DW-1 is extracted hereunder:-

**"1991ம் ஆண்டில் 1,2 வாதிகள் மற்றும் என் கணவரான 1ம் பிரதிவாதி மற்றும் மாமியாரான அமிர்தம்மாள் ஆகியோர்கள் குடும்ப சொத்துக்களை பாகம் பிரித்துக் கொண்டனர் என்றால் சரிதான். அந்த ஆவணம் வா.சா.ஆ.1 ஆவணம் என்றால் சரிதான்".**

From the above deposition it is clear that, the DW-1 has expressly admitted about the execution of Ex.A1. From the plaint, written statement and evidences of

both side, it is clear that the execution of Ex.A1 partition deed was admitted by both side. The only defence of the defendants is that, the Ex.A1 partition deed was not acted upon. But, the defendants have not taken any legal step so as to challenge the Ex.A1 partition deed. The defendants have stated that, the Ex.A2 & Ex.A3 sale deeds were executed without any consideration and have not acted upon. But, the defendants have not taken any step to challenge the Ex.A2 & Ex.A3 sale deeds. Ex.A1, partition deed was executed in the year of 1991 and Ex.A2 & Ex.A3 were executed in the year of 2009. But, till now, the defendants have not challenged the legal validity of Ex.A2 & Ex.A3 deeds. The limitation period to challenge the Ex.A1, Ex.A2 & Ex.A3 deeds were already expired and the defendants cannot challenge the legal sanctity of the said deeds. Also it is settled position in law that, oral evidence cannot override the registered instruments viz., Ex.A1, Ex.A2 & Ex.A3. Hence, on this ground also, the plea of defendants is not sustainable.

**9.4)** It is further case of the defendants that, the defendants had constructed a house in the suit property and was been in possession and enjoyment of the same. On perusal schedule of property, it reveals that there are several numbers mentioned as suit properties. The defendants have not stated about the existence of their house with ascertained survey number. If the defendants takes a specific stand that they have a house in the suit property, then the burden of proof is on the defendants to prove the existence of their house in the suit with survey number and extent. Without mentioning any details as to existence of house in the suit property, the plea of the defendants as to existence of house in the suit property does not hold any water.

9.5) The plaintiffs have deposed that, they are in possession and enjoyment of the suit properties. But, the plaintiffs have not produced revenue records to prove their possession and enjoyment over the suit property. Ex.A5 & Ex.A6 are the electricity bills in the name of 2<sup>nd</sup> plaintiff but there is no recital as to suit property in the said exhibits. The plaintiffs have not proved the nexus between the suit properties and Ex.A5 & Ex.A6 electricity bills and because of which this court could not come to the conclusion through Ex.A5 & Ex.A6 electricity bills. On the other hand, the defendants have produced Ex.B1 Joint Patta, for Survey No153/3A1A1. On perusal of Ex.B1, it reveals that, it is a joint patta in the name of Balakrishnan, S/o.Janakiraman, Ranganatha Kounder, S/o.Thamizharasan & Gopal. The name of the 3<sup>rd</sup> defendant is Balakrishnan who is the son of 1<sup>st</sup> defendant named Arumugam. But in Ex.B1 Patta, the father name of Balakrishnan is mentioned as Janakiraman. The defendants have not let in evidence to the effect that, the name Balakrishnan mentioned in Ex.B1 is 3<sup>rd</sup> defendant's name and the father name is wrongly mentioned. When the defendants produced Ex.B1 Patta and relies on it, then it is the bounden duty of the defendants to elucidate the Ex.B1. When there is ambiguity in Ex.B1 Patta, this court cannot rely on it. Further, on perusal of Ex.A1 partition deed, it reveals that the property in Survey No.153/3 was allotted to both Amirthammal & 1<sup>st</sup> defendant. Hence it is apparent that the mother of the plaintiffs named Amirthammal and the 1<sup>st</sup> defendant have property in Survey No.153/3. Further it is apparent from Ex.A2 & Ex.A3 sale deeds that, the said Amirthammal had sold out her share in Survey No153/3 to the plaintiffs. On perusal of schedule of property, it reveals that one acre of land in Survey No.153/3 was mentioned as one of the suit

property. But, in Ex.B1 Patta, the total extent of Survey No.153/3A1A1 is mentioned as 1-10.63 hectares. Hence it is apparent that, the plaintiffs are seeking relief only with respect one acre and not to the whole extent. The defendants have not produced any patta in their name with respect to entire schedule of property. Also, Ex.B1 Joint Patta was issued only on 12.06.2025, i.e., subsequent to institution of suit. The original suit was instituted in the year of 2009. Hence, Ex.B1 cannot be taken into consideration on this ground also. The defendants have produced Ex.B3 & Ex.B4 house tax receipts and Ex.B5 to Ex.B12 electricity bills in support of their case. But the defendants have not adduced any evidence as to the nexus between Ex.B3 to Ex.B12 bills and suit property.

**9.6)** On appreciation of plaint, written statement, evidences and documents it is apparent that the plaintiffs as well as defendants have not produced any revenue records with respect to the suit properties. But, the plaintiffs have produced Ex.A1 partition deed and Ex.A2 & Ex.A3 sale deeds. It is settled position in law that, when the actual possession over the suit property is not clearly proved, then the presumption as to possession shall be decided based on the legal principle “the possession follows title”. Applying the said principle, this court presumes that, the plaintiffs are in possession over the suit property. *In Nazir Mohammed Vs J.Kamala and others, AIR 2020 Supreme Court 4321, the Hon’ble Supreme Court of India* has held that the presumption possession follows title arises only where there is no definite proof of possession by anyone else. In the case in hand, both plaintiffs & defendants have not produced any definite proof of possession through revenue

records. Hence, the legal principle possession follows title is satisfied and this court presumes that the plaintiffs are in possession over the suit properties.

9.7) The defendants have taken a stand that Ex.A1, Ex.A2 & Ex.A3 were executed as namesake and has not acted upon. ***In Hemalatha (D) By Lrs vs Tukaram(D) By Lrs and Others (Civil Appeal No.6640/2010) Reported 2026 INSC 82, the Hon'ble Supreme Court of India*** has held that a registered sale deed is strong presumption of ownership. The relevant paragraph is extracted hereunder:-

**COURTS SHOULD NOT CASUALLY DECLARE A REGISTERED DEED A "SHAM", AS REGISTRATION CREATES A STRONG PRESUMPTION OF VALIDITY & GENUINENESS**

31. *It is a settled position of law that a registered Sale Deed carries with it a formidable presumption of validity and genuineness. Registration is not a mere procedural formality but a solemn act that imparts high degree of sanctity to the document. Consequently, a Court must not lightly or casually declare a registered instrument as a "sham". Adopting the principles enunciated in Prem Singh and Ors. vs. Birbal and Ors., (2006) 5 SCC 353 1, Jamila Begum (Dead) Through Lrs. vs. Shami Mohd. (Dead) Through Lrs. and Anr., (2019) 2 SCC 727 2, and Rattan Singh and Ors. v. Nirmal Gill & Ors., (2021) 15 SCC 300 3, this Court reiterates that the burden of proof to displace this presumption rests heavily upon the challenger. Such a challenge can only be sustained if the party provides material particulars*

*and cogent evidence to demonstrate that the Deed was never intended to operate as a bona fide transfer of title.*

From the above precedent, it is clear that the Ex.A1, Ex.A2 & Ex.A3 deeds were genuinely executed and acted upon. Hence the plea of defendants that the Ex.A1, Ex.A2 & Ex.A3 were created as namesake is rejected. From the above discussions, this court comes to the conclusion that the plaintiffs are in possession over the suit property through Ex.A1 Partition deed & Ex.A2, Ex.A3 sale deeds.

**9.8)** The Defendants No.2 to 5 in their written statement had taken a stand that, the plaintiffs could not maintain a suit for bare injunction and ought to seek for declaration of title. It is settled position in law that, declaration of title can be sought when the title of plaintiffs were denied and if there exists a cloud over title. But, in the case in hand, the defendants have not produced any rival deeds claiming title over the suit property. When the defendants have not produced any rival deeds, then there is no cloud over title. Accordingly the suit for bare injunction is maintainable and the plea of defendants is rejected on this ground.

**9.9)** The plaintiffs have deposed that 1<sup>st</sup> defendant had trespassed into the suit property and caused interference in the enjoyment of the plaintiffs on 14.07.2009 & 29.07.2009. The DW-1 in his cross examination has admitted about the complaint preferred by the 1<sup>st</sup> defendant with respect to the dispute between 1<sup>st</sup> defendant & Plaintiffs. From evidences of the plaintiffs and DW-1, it is crystal Clear that there

exist a dispute between plaintiffs & defendants with respect to suit properties. The plaintiffs have proved their possession over the suit property through Ex.A1 partition deed & Ex.A2, Ex.A3 sale deeds and accordingly the plaintiffs are entitled for the relief of Permanent Injunction and accordingly Issue No.1 & 2 are decided in favour of plaintiffs.

**10. ISSUE NO.3:-**

Issue No.1 & 2 are decided in favour of the plaintiffs and accordingly the plaintiffs are not entitled to any other relief.

**11. In the result, the suit is decreed as follows:-**

<b>i</b>	<b>The relief of Permanent Injunction is granted in favour of the plaintiffs restraining the defendants, their men and agents from disturbing the plaintiffs peaceful possession and enjoyment over the suit "A" &amp; "B" schedule properties in any manner.</b>
<b>ii</b>	<b>No Costs.</b>

Dictated to the Steno-Typist transcribed by him, typed in computer, then corrected and pronounced by me in the open Court on this the 24<sup>th</sup> day of April 2026.

**District Munsif,  
Vanur.**

**Plaintiffs Side Witnesses:-**

P.W.1 :- Porkalai (1<sup>st</sup> Plaintiff).

P.W.2 :- Jayalakshmi (2<sup>nd</sup> Plaintiff).

**Plaintiffs Side Documents:**

Ex.A.1	15.03.1991	Registered partition deed executed between one Amirthammal, 1 <sup>st</sup> plaintiff, 2 <sup>nd</sup> plaintiff and 1 <sup>st</sup> defendant and registered on 22.03.1991.	- Original
Ex.A.2	14.07.2009	sale deed executed by Amirthammal in favour of 1 <sup>st</sup> plaintiff.	- Original
Ex.A.3	14.07.2009	sale deed executed by Amirthammal in favour of 2 <sup>nd</sup> plaintiff	- Original
Ex.A.4	04.06.2008	Receipt issued by Irumbai Cooperative Bank Limited, in the name of Amirthammal for savings Account No.1851.	- Original
Ex.A.5	09.06.2006 & 07.08.2006	Electricity Bills in the name of 2 <sup>nd</sup> plaintiff.	- Original
Ex.A.6	02.06.2009 & 07.08.2009	Electricity Bills in the name of 2 <sup>nd</sup> plaintiff.	- Printed Copy

**Defendants Side Witnesses :-**

D.W.1 :- Anbukarasi (2<sup>nd</sup> Defendant)

D.W.2 :- Baskar (3<sup>rd</sup> person)

**Defendants Side Documents:-**

Ex.B.1	29.01.2026	Patta in No.849 for Survey No.153/3A1A1.	- Online Copy
Ex.B.2	29.01.2026	FMB for Survey No.153.	- Online Copy
Ex.B.3	24.02.2004	House tax receipt in the name of 1 <sup>st</sup> defendant.	- Original

Ex.B.4	07.06.2014	House tax receipt in the name of 1 <sup>st</sup> defendant.	- Original
Ex.B.5	11.12.2008	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.6	06.04.2010	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.7	12.08.2010	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.8	31.01.2013	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.9	22.09.2014	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.10	18.11.2014	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.11	22.09.2014	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original
Ex.B.12	18.11.2014	Electricity bill in the name of the 1 <sup>st</sup> defendant.	- Original

**District Munsif,  
Vanur.**