

IN THE COURT OF THE DISTRICT MUNSIF, KOTAGIRI, THE NILGIRIS.

PRESENT: Thiru. C.Jayaprakash, M.Com., M.L.,
District Munsif-cum-Judicial Magistrate, Kotagiri.

Dated on this the 26th November of 2021

திருவள்ளுவராண்டு 2052, பிலவ வருடம் கார்த்திகை மாதம் 10ஆம் நாள் வெள்ளிக்கிழமை

O.S.No.17/2021

1. Smt. Manikkammal, W/o. Late. B. Ajja Gowder,
a Hindu, aged about 80 years, residing at Kairbetta Village,
Donnington Post, Kotagiri Taluk, The Nilgiris.
2. Smt. Kannammal, D/o. Late. B. Ajja Gowder, W/o. Late. Biddan,
a Hindu, aged about 54 years, residing at Jackanarai Village,
Aravenu Post, Kotagiri Taluk, The Nilgiris.
3. Smt. Ponniammal, D/o. Late. B. Ajja Gowder, W/o. Ari, a Hindu,
aged about 52 years, residing at Aravenu Village, Aravenu Post,
Kotagiri Taluk, The Nilgiris.
4. Smt. Indra, D/o. Late. B. Ajja Gowder, W/o. Sankaran, a Hindu,
aged about 50 years, residing at Bangalada Village, Aravenu Post,
Kotagiri Taluk, The Nilgiris.
5. Smt. Shakila, D/o. Late. B. Ajja Gowder, W/o. Babu, a Hindu,
aged about 48 years, residing at Nedugula Village & Post,
Kotagiri Taluk, The Nilgiris.
6. Smt. Chitra, D/o. Late. B. Ajja Gowder, W/o. Ravi, a Hindu,
aged about 46 years, residing at Thumboor Village, Aravenu Post,
Kotagiri Taluk, The Nilgiris.

.... Plaintiffs

Vs.

1. N. Sakthi Narayanan, S/o. Late. N.R. Narayanan, a Hindu,
aged about 62 years, residing at Door No.2/501, 6th Street,
Sathya Colony, Mannarai Panchayat, Tiruppur Taluk,
Coimbatore District.
2. A. Ganesh, S/o. Late. T. Anguraj, a Hindu, aged about 55 years,
residing at D.No.217/2, Gandhiji, 3rd Street, Kondampalayam
Bypass, Erode District.
3. K. Karuppusamy, S/o. Karuppanna Gounder, a Hindu,
aged about 50 years, residing at Door No.89/5, VIP Colony,
Sanjay Nagar, Erode Village, Erode Taluk and District.
4. A. Venkatesh, S/o. Late. Ajja Gowder, a Hindu, aged about 44 years,
residing at Kairbetta Village, Donnington Post, Kotagiri Taluk,
The Nilgiris.

.... Defendants

This is suit for to declare that the sale deeds 1557/2002 dated 10.06.2002 and 2314/2008 dated 20.11.2008 registered before the Sub Registrars office at Kotagiri is as null and avoid with cost of the suit and others reliefs.

The Plaintiff state the defendant No.3 is none other than the son of the first plaintiff and the brother of the other plaintiffs. The plaintiff No.1 is the wife of B. Ajja Gowder and plaintiffs No.2 to 6 and the defendant are the legal heirs of B. Ajja Gowder. The said B. Ajja Gowder died on 16.07.1995 leaving behind these plaintiffs and the fourth defendant as the surviving legal heirs to his estates. Late. Ajja Gowder is the husband of the 1st plaintiff and father of other plaintiffs and fourth defendant have purchased all the piece and parcel of the property to an extent of 5.01 acres in R.S. No. 1161 (2.54 acres) R.S.No. 1162/1 (1.82 acres) R.S.No. 1162/3 (0.24 acres) and R.S.No. 1162/4 (0.41 acres) in Kotagiri Revenue Village along with H. Matha, Son of Hiriya Gowder of Kairbetta Hamlet from Janibai, son of Halaya Sait and Hazarabai, son of Halaya sait, Mount Road, Coonoor under of Registered sale deed dated 13.05.1964 registered number as 467/1964 before the Register Assurance at Kotagiri. The Plaintiff's further sates that the said Late K.K. Ajja Gowder and Late H. Mathan have partitioned the above mentioned property orally and that an extent of 2.50 acres has allotted to Late. K.K. Ajja Gowder and an extent of 2.51 acres has been allotted to H. Mathan in the year 1970. The Said late K.K. Ajja Gowder has become owner with possession and enjoyment of the property of an extent of allotted 2.50 acres till his death on 16.07.1995. The Copy of the said documents are hereby produced with. After the sale these plaintiffs and the fourth defendant were jointly entitled to an extent of 1.70 acres of land in survey No. 1161/1, 1162/2 (R.S.No.878/1) - 1.26 acres, 1162/3 and 1162/4 R.S.No. 878/4) - 0.44 acres. The fourth defendant herein without the consent of these plaintiffs have illegally sold an extent of 0.071/2 acres in survey No. 1162/1 (old) - 878/1 (new) to the defendant No.1 under the registered document No. 1557/2002 dated 10.06.2002 registered before the Sub - registrar's office at Kotagiri. The sale deeds bearing registered No. 1557/2002 dated 10.06.2002 and 2314/2008 dated 20.11.2008 registered before the Sub - Registrar's office at Kotagiri is sham and nominal and invalid and not to be acted upon. These plaintiffs have no other alternative except to involve the assistance of this Honourabled Court. Hence the suit.

Date of Suit : 26.04.2021

Cause of action arose at Kotagiri, on and since 13.05.1964, 16.07.1995, 10.06.2002, 20.11.2008.

The value of the subject matter of the suit for the purpose of the jurisdiction for declaration as null and void of the sale deed number 1557/2002 dated 10.06.2002 and sale deed number 2314/2002 dated 20.11.2008 registered before the Sub Registrar's office, Kotagiri as Rs.10,000/- and the Court fee paid thereof is Rs.303/- under section 25(d) of the Tamil Nadu Court Fees and Amended Act 2017 Valuation Act 1955. Total court fees paid is Rs.303.00 and thus this Honourable Court has got ample jurisdiction to try the suit.

This suit having been taken on file on 26.04.2021 and came before me Learned Advocate of Thiru. M. Maheswaran for the Plaintiffs and Defendants side Called absent set exparte and upon perusing the case records, having stood over for consideration, this court delivers the following:

DECREE

1. That the suit be and the same is hereby Dismissed for Default.
2. That there be no order as to cost.

COST MEMO

Cost list Details	Plaintiffs	Defendants
NIL	NIL	NIL

DESCRIPTION OF PROPERTY

Registration District	:	The Nilgiris
Registration Sub-District	:	Kotagiri
Revenue Village	:	Kotagiri-1
Survey No.(Old)	:	1162/1
Resurvey No.	:	878
Total Extent	:	1.82 acres
Extent sold	:	0.07 1/2 acres
Relief sought for	:	0.07 1/2 acres

Boundaries for 0.07 1/2 acres

East : A. Venkatesh's Property
West : Samiyar's Property
North : Road leading to Kodanad
South : K. Ramalingam's Portion

Given under my hand and the seal of this court this the 26th day of November 2021.

Sd./-Thiru.C.Jayaprakash,
DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE,
KOTAGIRI.