

**IN THE COURT OF THE VI ADDITIONAL DISTRICT JUDGE
MADURAI.**

**Present: Thiru T. Sampath Kumar, B.Sc., L.L.B.,
VI Additional District Judge, Madurai.**

Friday the 5th day of March 2021

O.S.No.125/2019

Alagar @ Kannan

... Plaintiff

-Vs-

Muniyammal

... Defendant

This suit is coming before me for final hearing on 15.02.2021 in the presence of Thiru.C.Kannan Advocate for the plaintiff and Thiru.V. Maragathavel Advocate for the defendant and upon perusing evidence and all connected documents and upon hearing the arguments on both sides and having stood over for consideration till this day, this court delivered the following.....

JUDGMENT

1. Suit is for declaration to declare the alleged Will dated:27.03.2014 executed by Mani, the father of plaintiff, in favour of the defendant under document No.98/2014 in Joint Sub Registrar Office No.I, Madurai South as null and void and to declare that the plaintiff is absolute owner of suit properties by inheritance and granting a permanent injunction restraining the defendant his agents, servants, anybody claims through them from interfering with the peaceful possession and enjoyment of the suit property and for cost.

2. The averments of Plaintiff in short :

The plaintiff is the son of one Mani S/o Raman Mooppar. The suit properties are ancestral property of the plaintiff. His father married one Pectchiammal and they got the plaintiff as only son out of their wedlock. The plaintiff's mother had left from the matrimonial home due to difference of opinion crept between them. Then the plaintiff was brought up by his mother. The suit properties are ancestral one and it has been enjoyed jointly since his father is a physically handicapped person. In the meanwhile, the defendant was joined with the father of this plaintiff and attempted to alienate and encumbrance over the suit properties, taking advantages of handicap of his father. After knowing her action,

the plaintiff filed a civil suit for partition over the suit properties O.S.No.672/2007 on the file of this Court and it was decreed on 25.04.2007. Then at the instigation of the defendant plaintiff's father preferred an appeal against the decree and judgment A.S.No.115/2007 which was dismissed on 08.06.2009. Then plaintiff's father was compelled to file a second appeal against dismissal of his appeal SA.No.887/2009 and is pending before the Hon'ble High Court of Madurai Bench. The defendant is the 3rd party to the suit properties but attempted to interfere in the suit properties as she got the properties by alleged Will which was executed by the father of plaintiffs. The defendant is the land grabber and she may create and manipulate any deeds to achieve her illegal objects. Plaintiff's was physically handicapped person and he was not able to speak with anybody and was also unsound mind person and he could not be decided individually and independently. Taking advantage of his inability and properties, the defendant has fabricated a fraudulent documents against wish of the plaintiff's documents. His father died on 03.07.2016 leaving the plaintiff as only legally heirs. After his demise, the plaintiff has inherited the suit properties as absolutely. Thus the plaintiff is in possession and enjoyment of the suit properties. He has made an arrangement to fence his one of the properties in the month of December 2018, but the defendant came to the suit property and attempted to interfere, the peaceful possession of the suit properties. Immediately the matter was reported to the jurisdictional Police Station. Then the defendant has escaped from the clutches of law by stating created documents. Immediately the plaintiff obtained the copy of alleged will dated:27.03.2014. After perusal of the alleged will, the plaintiff came to know that it was purely suspicious fabricated will. The defendant has no right, title or possession over the suit properties. Taking advantage of alleged will, she attempted to interfere in the suit property. Hence he has filed the present suit to declare the alleged will dated 27.03.2014 as null and void and other reliefs.

3. The averments in the written statement of the defendant in short:

Save and such of those allegations that are herein after admitted by this defendant all other allegation in the plaint are denied and the plaintiff is put to strict proof of the same. The suit properties are all belonged to late.Mani. The allegation that the properties are ancestral property of the plaintiff is not true and correct. Pechiammal who married

late. Mani left him few month after the marriage, and gone to another place and married another man and living with him. The plaintiff who claim to be the son of late. Mani never lived with him. The allegation that the properties were enjoyed jointly is totally a false allegation, since the plaintiff lived separately along with his mother. The allegation that this defendant joined with his father and attempted to alienate and encumbrances over the property against his father taking advantage of the handicap is denied as not correct and true. Late. Mani married this defendant with the knowledge and consent of relatives and the defendant was living as his wife in Sholanguruni Village. This defendant never deal with the properties. Late Mani himself sold some of his properties for his medical expenses. Late. Mani himself preferred the appeal and the second appeal which is pending now and it is not true that at the instigation of this defendant he preferred the appeal. The allegation that his defendant is a 3rd party to the suit properties is strongly denied. This defendant is legally wedded wife nd late. Mani bequeathed all his properties to her under a registered Will dated: 27.03.2014. Mani during his life time in a sound disposing state of mind and without anybody's influence executed the will and registered the same. Under the Will he bequeathed his properties infavour of this defendant. Mani died on 31.07.2016, and from that date onwards this defendant became the owner of the properties and she is in possession and enjoyment of the properties. The defendant is actually living in the suit village in the suit house and all properties are in Sholanguruni village. The plaintiff who is living elsewhere cannot have access to the properties and it is not correct that he inherited the properties. It is admitted by the plaintiff himself that his father executed the Will. It is false to state that this defendant may create and manipulate any deeds. The Will is a valid and legal document and it is binding on the plaintiff. The plaintiff's father Mani and husband of this defendant was not an illiterate he was able to read and rite, and used to sign the documents. The father of the plaintiff did not leave any property to be inherited by the plaintiff. The late. Mani left a Will dated 31.07.2016 bequeathing his properties to this defendant and nothing left. The plaintiff had nothing to inherit and the allegation that he inherited the properties and is in possession and enjoyment are all false and incorrect. It is also false to state he made arrangement to fence the properties and the defendant attempted to interfere his possession. The properties are all in the possession of this defendant and there is no question of interfering the plaintiff's possession. The police also advised the

plaintiff not to resort to take forceful possession. The allegations in para VIII of the plaint are not admitted and they are made for the purposes of the suit. It is not true that the will date 27.03.2014 is a fabricated one. The defendant has got every right over the properties under the Will executed by late. Mani. There is no occasion to interfere in the suit property since all are in possession of the defendant. There is no reason or ground given in the plaint to declare the Will as null and void. The Will dated:27.03.2014 is a genuine, valid will and cannot be declared as null and void. There is no cause of action for the suit and the causes of action alleged are all false and untrue. The defendant reserves her right to file additional written statement if necessary. The plaintiff has not valued the suit properly and proper court fee not paid. Hence it is prayed to allow the suit with cost.

4. Out of the pleadings, the following issues were framed:

1. Whether the plaintiff is entitled for the relief of declaration that the Will dated:27.03.2014 document No.98/2014 executed by plaintiff's father Mani in favour of defendant is declared as null and void as claimed?
2. Whether the plaintiff is entitled for the relief of declaration that he is the absolute owner of the plaint schedule property?
3. Whether the plaint schedule properties are in the possession of plaintiff and he is entitled for the relief of permanent injunction?
4. To what relief is the plaintiff entitled to?

5. On the side of plaintiff three witnesses have been examined and on the side of the defendant three witnesses have been examined. On the side of plaintiff Ex.A1 to Ex.A25 have been marked and on the side of defendant Ex.B1 to Ex.B7 have been marked.

6. Issue No:1

The case of the plaintiff is that the plaint schedule properties are the ancestral property as the same were originally belonged to Ramamoopar the grand father of plaintiff and father of Mani who is the father of plaintiff and it was jointly enjoyed by them and Mani married one Petchiammal and out of the wedlock the plaintiff was born and due to difference of opinion the plaintiff's mother left the matrimonial home along with plaintiff and the father of the plaintiff was a handicapped person and he was not able to speak and the defendant

joined with the father of the plaintiff and attempted to alienate the property and the plaintiff filed a suit O.S.672/2007 before the District Munsif Court Madurai and it was decreed and the appeal filed by the plaintiff's father A.S.115/2007 was also dismissed and second appeal S.A.No.887/2009 is pending before the High Court and the plaintiff father died on 31.07.2016 leaving behind the plaintiff as only legal heir and the plaintiff inherited the entire property but the defendant taking advantage of the inability of Mani, fabricated a fraudulent Will on 27.03.2014 and she is making attempts to interfere with the possession of the plaintiff and hence suit has been filed. The defendant contended that the defendant is the wife of Mani and the suit properties are absolute properties of Mani and on his own volition and sound disposing state of mind he executed a Will with free mind and without the influence of others and after his death Will came into effect and the properties are belonged to the defendant and the plaintiff has no right over the properties.

7. Since the plaintiff has attacked the genuineness of will as the same has been fraudulently fabricated it is his burden to prove that the Will has been fraudulently fabricated. The original Will has been marked as Ex.B.4 and the certified copy has been marked as Ex.A.5. On perusal of the disputed Will the said Mani has bequeathed the plaint schedule properties in favour of defendant. Since the defendant claims right over the property as per the Will she as propounder of the Will, has to prove the Will as contemplated u/s 68 of the Indian Evidence Act. During the course of argument the learned counsel for the plaintiff submitted that Mani the father of the plaintiff is a deaf and dumb and he did not study in a school for the deaf and dumb and there is no recital in the Will that the contents of the Will were explained through the teacher or a specialized skilled person who could be able to convey through signs or gestures to Mani in respect of the contents in the Will nor the Sub Registrar did the same thing and it has been clearly proved that without informing the contents of the Will to the said Mani the Will has been executed and registered and the D.W.2 and 3 are interested persons and when local witnesses are available DW.2 who is residing far away from the native place of Mani who attested the Will and D.W.3 is the husband of defendant's own sister and they are attending and watching the case proceedings throughout create doubt and also create suspicious circumstances for creating Will and the plaintiff has clearly established that the Will was not executed by Mani on his own volition and the

execution of the Will is surrounded by suspicious circumstances. The learned counsel for the defendant submitted that the Will has been duly registered and on the particulars furnished by Mani the will has been prepared and D.W.2 and D.W.3 clearly speaks about the execution and attestation of Will and there are no reasons to suspect the Will and prayed for rejecting the claim of the plaintiff. The attesting witnesses in Ex.B4 Will have been examined as D.W.2 and D.W.3 respectively. D.W.3 is the son of one Arjun who is the brother of plaintiff's father Mani. D.W.3 is also the husband of defendant's sister. D.W.3 in his evidence during cross examination deposed that, “மணி எனப்பவர் இயற்கையாகவே வாய் பேசமுடியாத ஊமை என்றால் சரிதான். அவர் பள்ளி படித்தாரா என்று எனக்கு தெரியாது. மணி வாய் பேசமுடியாதவர் என்றாலும் சிறப்பு பள்ளியில் படிக்கவில்லை. என் மனைவி மஞ்சளாவும் இந்த வழக்கில் எதிர்வாதம் செய்யும் முனியம்மாளும் உடன்பிறந்த சகோதரிகள். இந்த வழக்கு நடக்கும் ஒவ்வொரு வாய்தாவிற்கும் நான் மனோகரன் பிரதிவாதி முனியம்மாள் அவரது தங்கை மாரியம்மாள் ஆகியோர் வந்து செல்கிறோம். பத்திரம் எழுதும்போது வாய்பேச முடியாதவர்கள் செய்யும் சைகையை மொழியாக மாற்றும் செய்யும் வல்லுநர் யாரையும் அழைத்து செல்லவில்லை. மணி பி.வா.சா.ஆ.4 உயிலில் எத்தனை இடங்களில் ரேகை வைத்தார் என்று எனக்கு தெரியாது. அதுபோல மேற்படி உயிலில் நான் எத்தனை இடங்களில் கையெழுத்து செய்தேன் என்று தெரியாது. பி.வா.சா.ஆ.4 உயில் தட்டச்சு செய்து கையில் எழுதியிருந்தார்கள். மணி பி.வா.சா.ஆ.4 உயிலில் எத்தனை இடங்களில் கையெழுத்து செய்தார் என்று எனக்கு தெரியாது. சாப்திவாளர் அலுவலகத்தில் 10 மணிக்கு சென்று ஒரு மணிநேரத்தில் பதிவு முடிவு பெற்றது. மணி உயிலில் எப்போது கையொப்பம் செய்தார் என்று நான் பார்க்கவில்லை. மனோகரன் கையொப்பம் செய்து வைக்கப்பட்டிருந்த உயிலில் தான் நான் கையொப்பம் செய்தேன். மனோகரன் உயிலில் எத்தனை கையொப்பம் போட்டார் என்று எனக்கு தெரியாது.” Therefore as per the evidence of D.W.3 he did not see that when Mani signed in the disputed Will. Likewise he did not know how many places in the Will Mani affixed thump impression and made signature. Moreover he allegorically admitted that he and Manoharan have visited court along with defendant to see this case proceedings on all hearings. To prove attestation in a Will, the attesting witnesses must see when the testator sign the Will and the testator must see when the attesting witnesses sign the will. Since D.W.3 did not see that when Mani signed in the Will, therefore he can not be considered as a valid attesting witness and the defendant failed to prove the attestation of the disputed Will through D.W.3. Moreover he has special interest in this case, hence his evidence cannot be accepted in respect of attestation of the disputed Will.

8. D.W.2 is the another attesting witness in Ex.B4 Will. In his evidence during cross examination he deposed that, “நான் மதுரை மாநகரில் காவல்துறையில் 39 வருடங்களாக பணிபுரிந்து காவல் உதவி ஆய்வாளராக பணி ஓய்வு பெற்றேன். உதவி ஆய்வாளராக பணி செய்து வருகையில் மாரியம்மாள், முனியம்மமாள் என்பவர்களுடன் பழக்கம். நான் குடியிருப்பது காமராஜர்புரம். வழக்கு சொத்து சோளங்குருணி. இதற்கு இடைப்பட்ட தூரம் சுமார் 20 கிமீ தூரம் என்றால் சரிதான். மணி இயற்கையிலேயே காதுகேட்காத வாய் பேசமுடியாத மாற்றுத்திறனாளி என்றால் காது கேட்கும். வாய்பேசமுடியாது. மணி உயில் பத்திரங்களில் வலது பக்கம் கையொப்பம் செய்தாரா, இடது பக்கம் கையொப்பம் செய்தாரா என்ற விபரம் எனக்கு தெரியாது. மணி வாய்பேசமுடியாத காரணத்தால் சிறப்பு நிபுணரை வைத்து அவர் செய்த ஜாடையை வைத்து உயில் பத்திரம் மொழியாக்கம் செய்யப்படவில்லை என்றால் மணி என்பவர் எழுதி கொண்டுவந்து கொடுத்தார். உயில் 27.03.2014 அன்று பதிவு செய்யப்பட்டது. பத்திரம் தயார் செய்து பதிவு நடைமுறைகள் 12.00 மணியிலிருந்து 1.00 மணிக்குள் முடிந்தது என்றால் ஒருமணிநேரத்தில் முடிந்துவிட்டது. உயில் ஆவணத்தில் கொடுக்கப்பட்ட எத்தனை காகிதங்களில் மணி என்பவர் கையெழுத்து செய்தார் என்றால் எனக்கு தெரியாது. மணிக்கு சோளங்குருணி கிராமத்தில் நண்பர்கள் உறவினர்கள் என ஆயிரத்திற்கும் மேற்பட்ட நபர்கள் இருந்தனர். இந்த வழக்கு விசாரணை ஆரம்பித்த காலத்திலிருந்து இன்றுவரை ஒவ்வொரு வாய்தாவிற்கும் நான் வந்து செல்கிறேன் என்றால் சரிதான்”. Therefore as per evidence he is very much interested for the result of this case though he is a stranger. Moreover he did not know in how many papers Mani has signed and also did not know whether Mani signed in the left side or right side of the Will. He also admitted that the Will was not prepared with the assistance of an expert. Moreover he specifically admitted that the Will was registered on 27.03.2014 but the registration endorsement in Ex.B4 would show that the document has been registered on 28.03.2014. D.W.3 deposed that the Will was presented for registration at 10.00 am and within one hour it was registered. But D.W.2 says it was presented for registration at 12.00 noon and within one hour it was registered. D.W.2 resides 20 kilometers away from the native village of Mani. D.W.2 also admitted that there are number of persons available in the village to be a witness. But no proper reason stated by the defendant that why D.W.2 was made as a witness in Ex.B4 Will. As discussed above there are lot of contradictions, in respect of the execution of Will, between the evidence of D.W.2 and D.W.3. It is crystal clear that the defendant has set up the D.W.2 who is a long known person to her and personally interested in this case and D.W.3 who is the husband of defendant's own sister as the attesting

witnesses in the disputed Will and they had taken prominent part in the execution of the Will with an intention of fraudulently creating the Will. Therefore the attestation of Will by D.W.2 and D.W.3 as claimed by them is highly doubtful.

9. It is the admitted fact that Mani, the father of the plaintiff was a dumb. It can also be seen from the evidence on record that he did not study in a school for deaf and dumb. The service of the principal or other teacher from a school for deaf and dumb was not availed by the parties while registering the disputed Will. It is not properly explained by the defendant that how the contents of the Will was conveyed or made to understand to Mani either by the document writer or by the Sub-Registrar. A principal or other teacher from a school for deaf and dumb alone can properly convey to a dumb through signs or gestures in respect of contents of the document and whether the testator is admitting the contents of the document. Moreover the non examination the concerned Sub-Registrar who registered the Will is also fatal to the case of defendant. Therefore in the absence of any such evidence it cannot be presumed that the testator is on his own volition and free will of mind has executed the disputed Will. In the decision of the Hon'ble Kerala High Court rendered in **R.F.A.(Indigent) No.306 of 2019 dated: 30.06.2020 Mary ...Appellant ..Vs.. Leelamma and another ...Respondents** in which the Hon'ble Kerala High Court at para 35 has held that, **“In this context, reference to Section 34 of the Indian Registration Act, 1908 and the Rules made thereunder may be apposite. Under Section 34(3) of the Indian Registration Act, Registering Officer is bound to enquire whether the document was executed by the person whom it purports to have been executed and also satisfy himself as to the identity of the persons appearing before him and also as to whether they have executed the document. Under Rule 71 of Registration Rules (Kerala), it is provided that “A document executed by a person who is unable to read shall be read out and it necessary explained to him. A document written in a language not understood by the executing party shall, in like manner, be interpreted to him. When a party to be examined is deaf, dumb or blind recourse must be had to the means by which he makes himself understood.”** Nowhere in Ex.A1 or Ext.A2 has it been

mentioned that one of the parties to the document is deaf and dumb. Had it been so mentioned the Sub-Registrar would have read out and explained the contents of the document to such party. This court finds that the failure to inform the Sub-Registrar about the deafness and dumbness of one of the parties to the document was a deft method in playing fraud.” In the said judgment the Hon'ble Kerala High Court has observed that the document executed by a deaf and dumb woman without informing the Sub-Registrar about the deafness and dumbness was a deft method in playing fraud. In this case also the dumbness of the Mani was not mentioned in the disputed Will and not at all informed to the concerned Sub-Registrar. Specially skilled person to transmit the signs of a dumb was not pressed into service during execution of the disputed Will. Therefore the execution Ex.B4 Will is a clear fraudulent act of defendant with the connivance of her close associates D.W.2 and D.W.3. Moreover Mani was suffering from various illness and to meet out the medical expenses he has sold several properties and that can be seen from the evidence on record. Therefore it is also highly doubtful that whether Mani was healthy and sound disposing state of mind to execute the disputed Will. The defendant who is the propounder failed to satisfy the court affirmatively that the testator did know well the contents of the Will and in sound disposing capacity executed the same. As discussed above in the foregoing paragraphs this court is of the view that the execution of the Will is not proved by the defendant as contemplated u/s 68 of the Indian Evidence Act and the plaintiff has clearly proved that the disputed Will has been executed on suspicious circumstances and created fraudulently and the plaintiff is entitled for the relief of declaration as to the Will dated:27.03.2014 document No.98/2014 executed by plaintiff's father Mani in favour of defendant is declared as null and void and accordingly issue No.1 is answered.

10. Issue No.2:

The plaintiff also sought the relief of declaration that the plaintiff is the absolute owner of the property. Earlier the plaintiff has filed the suit for partition against his father Mani on the file of District Munsif Court, Madurai O.S.672/2004 in respect of 25 items of properties, for that he got decree for 24 items of properties except item No.11 in the plaint. That can be seen from Ex.A1 copy of judgment and Ex.A2 copy of decree. In the said case

the plaintiff claimed the properties as ancestral properties and the plea has been accepted by the Courts. The present 1st schedule item No.1,3 to 12 and 14 are the item No.19, 4, 6, 5, 7,8,10,1,2, 14,12 and 15 in the former suit O.S.672/2004. As far as the present 1st schedule item No.2 is concerned the Survey Number has been mentioned in the plaint as 111/1A having an extent of 0.05.5 ares in Solanguruni Village, Madurai South Taluk, Madurai District. The plaintiff relies on patta 720 which has been marked as Ex.A8. On perusal of Ex.A8 would show that S.No.111/11A is available but S.No.111/1A is not available. The plaintiff has not produced any other document to prove that S.No.111/1A is an ancestral property. Therefore as far as the plaint 1st schedule item No.2 is concerned the plaintiff is not entitled for any relief. As far as plaint 1st schedule item No.13 is concerned the survey number has been mentioned in the plaint as 105/6A1A having an extent of 0.43.0 ares in Solanguruni Village, Madurai South Taluk, Madurai District. The said property is not part of the schedule in the earlier suit. The plaintiff has produced Ex.A16 copy of sale deed. On perusal of Ex.A16 would show that the plaintiff's father Mani has sold four cents of the property in the said survey number to one Rajendran on 30.09.1996. There is no recital in the document that Mani has remaining area in the said property. Therefore the plaint I schedule item No.13 is concerned the plaintiff is not entitled for any relief. As far as the remaining part of the properties of the I schedule is concerned they form part of the decree in Ex.A2. D.W.3 is the son of the plaintiff father Mani's brother. He has admitted in his evidence that the properties are ancestral properties. The defendant has been examined as D.W.1. During her examination she deposed that “மேற்கூறிய வழக்கில் தாக்கல் செய்யப்பட்ட எதிர்வழக்குரையிலும் மேற்படி வழக்கில் நான் தாக்கல் செய்த நிரூபண வாக்குமூலத்திலும் 24 இலக்க சொத்துக்கள் மணிக்கு கிரையம் மூலம் பாத்தியப்பட்டதாக கூறியுள்ளேன் என்றால் சரியல்ல. பூர்வீகமாக பாத்தியப்பட்டது என்று கூறியுள்ளேன்.” Therefore as per the evidence of D.W.1 and D.W.3 the property belonged to Mani are ancestral properties. As far as the plaint II schedule is concerned, it is a natham land. The said property does not form part of the property in the earlier suit schedule. The plaintiff has not produced any document to show that the said property is an ancestral property. Though the property has been shown in the disputed Will that cannot be taken as a proof that it is an ancestral property of plaintiff. As far as the other properties are concerned all are ancestral

properties of Mani as admitted by the parties.

11. The defendant claims that she is the wife of Mani. But the case of the plaintiff is that the plaintiff's father Mani married one Petchiammal and out of the wedlock the plaintiff was born. The said fact is admitted by all the witnesses. During the life time of Petchiammal, Mani said to have married the defendant. Mani died on 31.07.2016. The plaintiff claims that the defendant has no right to make a claim over the property. The defendant in her written statement at para 3 stated that, "Mani married this defendant with the knowledge and consent of relatives and the defendant was giving as his wife in Solanguruni Village. Except the bald statement no other clear pleadings is available in the written statement of defendant. The parties are Hindus and the second marriage prohibited when the first spouse is alive. There is no proper pleadings in the written statement that whether Mani has legally divorced Petchiammal. Likewise there is no proper pleadings in the written statement on which date and which place the marriage of Mani and the defendant took place and whether it was a Hindu form of marriage. As above said plaintiff is the son of Mani and his legally wedded wife Petchiammal. Without legally divorced the 1st wife, Mani cannot marry the defendant legally. If he had married the defendant it is not valid in the eye of law. Therefore it is the paramount duty of the defendant to prove that she is the legally wedded wife of Mani. But she did not make proper pleadings in the written statement nor examined any independent witness to prove her marriage with Mani. Therefore after the death of Mani she cannot succeed the estate of Mani as wife. Per contra the plaintiff who is the only son of Mani and his sole legal heir, as per the legal heir certificate Ex.A7, will succeed the estate of the Mani. Therefore the plaintiff is entitled for the relief of declaration that he is the absolute owner of plaint schedule properties except the II Schedule and item 2 and 13 in I schedule and accordingly issue No.2 is answered.

12. Issue No.3:

The plaintiff has also sought permanent injunction against the defendant not to interfere with the peaceful possession and enjoyment of the suit properties. To prove the possession the plaintiff has produced Ex.A8 computer patta, Ex.A9 patta transfer order and

Ex.A10, 11, 12, the Adangal copies. On perusal of the said documents would show that the plaintiff is in possession of the proprieties. The defendant did not produce any document to show that she is in possession of the suit properties. Therefore the plaintiff is entitled for permanent injunction in respect of plaint schedule properties except the II Schedule and item 2 and 13 in I schedule and accordingly issue No.3 is answered.

13. Issue No.4:

Except as decided in issue No.1 to 3 the plaintiff is not entitled for any other relief and accordingly issue No.4 is answered.

14. In the result, the suit is partly allowed and declared that the Will dated:27.03.2014 document No.98/2014 in the office No.I, Joint Sub-Registrar Office, Madurai South executed by plaintiff's father Mani in favour of defendant as null and void and it is declared that the plaintiff is the absolute owner of plaint schedule properties except the II Schedule and item 2 and 13 in I schedule and the defendant is restrained by an order of permanent injunction not to interfere with the peaceful possession and enjoyment of the plaintiff over the plaint schedule properties except the II Schedule and item 2 and 13 in I schedule. As far as the plaint II schedule and item 2 and 13 in I schedule are concerned the suit is dismissed. There is no order as to cost.

Dictated to the Stenographer directly, and typed by her in computer, corrected and pronounced by me in open court, on this 5th day of March 2021.

Sd/- T. Sampath Kumar,
VI Additional District Judge,
Madurai.

Appendix:

Plaintiff side witnesses:-

P.W.1. Alagar @ Kannan

P.W.2. V. Irulandi (His evidence eschewed as per the order dated:28.10.2020)

P.W.3. K. Veeranan

Defendant side witnesses:-

D.W.1. M. Muniammal

D.W.2. G. Manoharan

D.W.3 A. Ravi

Plaintiff side documents:-

Ex.A1	25.04.2007	Copy of judgment in O.S.No.672/2004 on the file of District Munsif Court, Madurai Taluk, Madurai.
Ex.A2	25.04.2007	Copy of decree in O.S.No.672/2004 on the file of District Munsif, Madurai Taluk, Madurai.
Ex.A3	08.06.2009	Copy of judgment in A.S.No.115/2007 on the file of I Additional Subordinate Court, Madurai.
Ex.A4	08.06.2009	Copy of decree in A.S.No.115/2007 on the file of I Additional Subordinate Court, Madurai.
Ex.A5	27.03.2014	SRO copy of Will
Ex.A6	24.12.2016	Death Certificate of Mani
Ex.A7	05.10.2018	Legal Heir Certificate copy
Ex.A8	26.09.2016	Computer Patta
Ex.A9	19.08.2019	Change of patta order copy
Ex.A10	11.01.2013	Adangal
Ex.A11	11.01.2013	Adangal
Ex.A12	11.01.2013	Adangal
Ex.A13	08.09.2000	Sale deed executed in favour of Padmini SRO Copy
Ex.A14	11.01.1996	Sale deed executed in favour of Selvaraj SRO Copy
Ex.A15	21.06.1995	Thana Settlement deed executed in favour of P. Murugesan SRO Copy
Ex.A16	30.09.1996	Sale deed executed in favour of Rajendran SRO Copy
Ex.A17	27.03.2011	Sale deed executed in favour of Chellammal SRO Copy
Ex.A18	06.05.2000	Sale deed executed in favour of P.Tamilarasan SRO Copy
Ex.A19	20.02.2021	Sale deed executed in favour of T.S.Jamuna SRO Copy
Ex.A20	17.10.2006	Sale deed executed by Mani SRO Copy
Ex.A21	29.08.2000	Sale deed executed in favour of Manilal SRO Copy
Ex.A22	02.05.1994	Sale deed executed in favour of R.Ayyavu SRO Copy
Ex.A23	10.09.1991	Sale deed executed in favour of Tmt.Unnamalai Ammal SRO Copy
Ex.A24	15.06.1995	Sale deed executed in favour of Padmanaban SRO Copy

Ex.A25 Reply notice and other connected documents and records concerned in O.S.672/2004 on the file of District Munsif Court, Madurai Taluk, Madurai.

Defendant side Documents:

Ex.B1		Family Card of R.Mani Xerox copy
Ex.B2		Voters identification card of Muniammal Xerox copy
Ex.B3		Adhar card of Muniammal Xerox copy
Ex.B4	27.03.2014	Will Original
Ex.B5	24.12.2016	Death certificate of Mani
Ex.B6		Adhar card of G. Manoharan - Xerox copy
Ex.B7		Adhar card of Ravi - Xerox copy

Sd/- T. Sampath Kumar,
VI Additional District Judge,
Madurai.