



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 14TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No. 656 of 2019

M. Raman,
No. 54, Gangaiamman Koil Street,
Kamarajapuram,
Velachery,
Chennai – 600 042.

... Plaintiff

-Vs-

1. R. Karupayi,
W/o. M.Raman,
No.54, Gangaiamman Koil Street,
Kamarajapuram,
Velachery, Chennai – 600 042.

2. K. Saraswathy,
W/o. Late. R. Krishnan,
No.54, Gangaiamman Koil Street,
Kamarajapuram,
Velachery, Chennai – 600 042.

3. K. Naresh Kumar,
S/o. Late. R. Krishnan,
No.54, Gangaiamman Koil Street,
Kamarajapuram,
Velachery, Chennai – 600 042.

4. K. Nandhini,
D/o. Late. R. Krishnan,
No.54, Gangaiamman Koil Street,
Kamarajapuram,
Velachery, Chennai – 600 042.

... Defendants



Civil Suit praying that this Hon'ble Court be pleased to pass a Judgment and Decree against the Defendants;

a) to declare that the Plaintiff is the sole and absolute owner of the schedule mentioned property which stands in the name of R.Krishnan and consequential permanent injunction restraining the Defendants 2 to 4 and their agents / representatives or anybody claiming through them from in any manner alienating encumbering, mortgaging or altering the schedule mentioned property in any manner whatsoever and;

b) costs of the suit;

This civil suit coming on this day before this Court for hearing, in the presence of Mr.A.Swaminathan, Advocate for the Plaintiff herein and the defendants herein, not appearing in person or by Advocate and the said defendants herein, having been set exparte and upon reading the Plaint filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein, **it is ordered and decreed as follows:-**

That M. Raman, the plaintiff herein, be and is hereby declared as the sole and absolute owner of the suit property morefully set out in the schedule hereunder, which stands in the name of R.Krishnan.



2. That (1) K. Saraswathy, (2) K. Naresh Kumar and (3) K. Nandhini, the defendants 2 to 4 herein, their agents / representatives or any body claiming through them, be and are hereby restrained by an order of permanent injunction from in any manner alienating encumbering, mortgaging or altering the said schedule property in any manner whatsoever.

3. That the defendants herein, do pay to the plaintiff herein, the costs of this suit as and when taxed by the taxing officer of this Court, and noted in the margin thereof.

SCHEDULE OF THE PROPERTY

All that piece and parcel of land together with the building thereon situated at Door No.54, Gangaianman Koil Street, Kamarajapuram, Velachery, Chennai – 600 042, measuring an extent of 1564 Sq.ft comprised in Survey No.33, Block No.20, Town Survey No. 66/2 and bounded on the

North by : Plot No.1 Kabali House

on the South by : 16 feet Road, Gangaianman Koil Street

on the East by : Plot No.3, Senbagavalli House

on the West by : Land in the name of R.Krishnan allotted by
slum clearance board



Lying within the Registration Sub District of Velachery and

Registration District of Chennai South, Tamilnadu.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID THIS THE 14TH DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S-I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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27.12.2021

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C.S.No. 656 of 2019

DECREE

DATED : 14.12.2021

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 28/12/2021

APPROVED ON : 10/01/2022



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No.54, Gangaianman Koil Street,
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Velachery, Chennai – 600 042.

... Defendants



Civil Suit praying that this Hon'ble Court be pleased to pass a Judgment and Decree against the Defendants;

a) to declare that the Plaintiff is the sole and absolute owner of the schedule mentioned property which stands in the name of R.Krishnan and consequential permanent injunction restraining the Defendants 2 to 4 and their agents / representatives or anybody claiming through them from in any manner alienating encumbering, mortgaging or altering the schedule mentioned property in any manner whatsoever and;

b) costs of the suit;+

This Suit coming on this day before this court for hearing, **the court made the following order:-**

This suit has been filed for declaration that the plaintiff is the absolute owner of the suit schedule property and for permanent injunction restraining the defendants 2 to 4 in any manner alienating / encumbering / mortgaging / altering the suit schedule mentioned property.

2. The plaintiff claims that only out of his self-earned funds, he purchased the suit schedule property in the name of R.Krishnan his predeceased son under the sale deed dated 26.03.1987 registered as



document No.390 of 1987. The first defendant is the wife of the plaintiff, the second defendant is the wife of his predeceased son R.Krishnan and the third and fourth defendants are his grand-children born to his predeceased son R.Krishnan and K.Saraswathy, the second defendant. R.Krishnan, the predeceased son of the plaintiff was only 22 years, when the sale deed dated 26.03.1987 registered as document No.390 of 1997 was executed in his favour which is the subject matter of the suit.

3. The plaintiff has also stated in the plaint that he only performed the marriage of his elder son R.Krishnan and the second defendant on 20.01.1999. According to him, after the death of his elder son R.Krishnan, his legal heirs are not co-operating for family arrangements and the settlement of the properties in favour of the family members. According to the plaintiff, apart from the suit schedule property, there are other properties purchased by the plaintiff and one other property was also purchased in the name of the elder son R.Krishnan (predeceased) which the plaintiff does not want to interfere. Only for the purpose of allotting the properties to his wife and children equally, the plaintiff has filed this suit for declaration as the defendants are not co-operating for proper family arrangements between all of them.



4. All the defendants have been set exparte by this Court on 25.11.2021 and evidence has also been recorded by the learned Master on behalf of the plaintiff.

5. Before the learned Master, the plaintiff was examined as a witness PW1. In his deposition, the plaintiff has reiterated the contents of the plaint filed in support of C.S.No.686 of 2019 and prayed for a declaration and for permanent injunction decree. Through PW1, the following documents were marked as exhibits:

<i>Exhibits</i>	<i>Nature of Documents</i>
P1	Photocopy of the plaintiff's Indian Bank Savings Bank Account Pass book extract from July, 1984
P2	Photocopy of the plaintiff State Bank of India Savings Bank Account Pass book extract from July 1984
P3	Photocopy of the Sale Deed in Doc.No.390 of 1987 dated 26.03.1987
P4	Photocopy of the Tamil Nadu Slum Clearance Board allotment of Plot No.167 in favour of R.Krishnan dated 01.10.1991
P5	Photocopy of the Tamil Nadu Slum Clearance Board allotment of Plot No.164 in favour of plaintiff dated 01.10.1991
P6	Photocopy of the No Objection Certificate issued by Tamil Nadu Slum Clearance Board in favour R.Krishnan Plot No.167 dated 24.11.1998 and 15.12.1998
P7	Photocopy of the Family Card issued to the plaintiff by Civil Supply and Consumer Protection department for the year 2005-2009.
P8	Photocopy of the Demand Notice issued to the plaintiff by Chennai Metropolitan Water Supply & Sewerage Board (3 nos) from 04.07.2007
P9	Photocopy of the Electricity Service Connection card issued in favour of the plaintiff with 65B certificate
P10	Photocopy of the Plaintiff's son R.Krishnan Death Certificate issued by Greater Chennai Corporation dated 12.11.2010 mentioned in 65B Certificate
P11	Photocopy of the plaintiff's son R.Krishnan legal heirs certificate issued



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<i>Exhibits</i>	<i>Nature of Documents</i>
	by Tahsildar Mambalam – Guindy Taluk dated 15.03.2013
P12	Plaintiff's Aadhar Card dated 30.11.2013

6. As seen from the evidence available on record, it is clear that Mr.R.Krishnan, the predeceased son of the plaintiff was only 22 years, when the sale deed dated 26.03.1987 registered as document No.390 of 1987 registered as document No.390 of 1987 was executed in his favour which was marked as Ex.P3.

7. It is the case of the plaintiff that on 26.03.1987, the plaintiff was only supporting and maintaining his son R.Krishnan and he did not have any means to purchase the property. The plaintiff has filed his Bank Account statement which has been marked as Ex.P1 & Ex.P2 to prove that he was having the means to purchase the property in the year 1987 which is the subject matter of the suit and the sale deed dated 26.03.1987 has been marked as Ex.P3. The plaintiff has also filed allotment letters issued by the Tamil Nadu Slum Clearance Board for plot No.167 in favour of R.Krishnan his predeceased son on 01.10.1991 pertaining to another property purchased with the funds of the plaintiff in favour of R.Krishnan which has been marked as Ex.P4. Similarly, another property has been allotted by the



on 01.10.1991 which has been marked as Ex.P5. As seen from Ex.P6, the Tamil Nadu Slum Clearance Board has issued No objection Certificate in favour of R.Krishnan, the predeceased son of the plaintiff for plot No.167 which is the other property purchased through the funds of the plaintiff in the name of R.Krishnan.

8. The family card issued to the plaintiff by Civil Supplies and Consumer Protection Department for the year 2005-09 marked as Ex.P6, Demand Notice issued to the plaintiff by Chennai Metropolitan Water Supply and Sewerage Board (3 nos) on 04.07.2001 marked as Ex.P8 and the electricity service connection is issued in favour of the plaintiff together with 65B certificate marked as Ex.P9 are all documents confirm that the plaintiff is in possession and enjoyment of the suit schedule property, even though the sale deed dated 26.03.1987 registered as document No.390 of 1987 marked as Ex.P3 stands in the name of his predeceased son R.Krishnan.

9. R.Krishnan, the son of the plaintiff died on 12.11.2010 as evidenced by his death certificate which has been marked as Ex.P10.

Ex.P11 is the legal heirship certificate of R.Krishnan which reveals that the defendants are the only legal heirs. The Aadhar Card of the plaintiff dated



30.11.2013 has also been marked as Ex.P12 which confirms that the plaintiff is only in possession of the suit schedule property.

10. After giving due consideration to the pleadings and the evidence available on record, this court is convinced that the plaintiff is entitled for the relief sought for in the plaint. Accordingly, the suit is decreed as prayed for with costs

Sd./- A.Q.J.,
14.12.2021.

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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