



C.S.No.4 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.4 of 2022

J.Balasubramanian

.. Plaintiff

VS.

Varalakshmi Balasubramanian

.. Defendant

Civil Suit filed under Order IV Rule 1 of Original Side Rules 1956 read with Section 26 & Order VII Rule 1 and 2 CPC praying for the following judgment and decree against the defendant.

a) Declaring the Plaintiff is the sole and absolute owner of the suit schedule B property more fully described in the schedule to the Plaint and consequentially for permanent injunction restraining the Defendant men or agent or anybody claiming under her from interfering with the peaceful possession and enjoyment of the Schedule-A property.

b] Directing the Defendant to pay the costs of the suit

For Plaintiff : Ms.R.V.Gayathri



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For defendant : set exparte

J U D G M E N T

The suit is filed for declaring that the Plaintiff is the sole and absolute owner of the suit schedule B property and consequentially for permanent injunction restraining the defendant and his men from interfering with the peaceful possession and enjoyment of the Schedule-A property.

2.The brief facts of the case of the plaintiff is as follows:

The defendant is the wife of the plaintiff and they have one son and a daughter. However, the plaintiff and the defendant are living separately from 08.02.2011. During the period when the plaintiff and the defendant were married and living together, the plaintiff has purchased the property bearing Old Door No.47, New Door No.10, First Main Road, Ramakrishna Nagar, Raja Annamalaipuram, Chennai – 600 028. Though the property was purchased for himself and also on behalf of the defendant by acting as an agent, the entire sale consideration has been paid by the plaintiff and all the revenue records also stand in the name of the plaintiff and he has also paid



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consideration for 50% UDS which stands in the name of the defendant.

Hence, the suit has been filed for the afore said relief.

3. The defendant remained exparte and hence, the matter has been referred to undefended board and posted before the Additional Master No.III for recording evidence on the side of the plaintiff.

4. On the side of the plaintiff, plaintiff examined himself as P.W.1 and Ex.P.1 to Ex.P.5 were marked.

P.W.1 – Mr.J.Balasubramanian

<i>S.No</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
1.	23.03.2011	Original Sale Deed	P-1
2.	05.02.2011	Original Power of Attorney	P-2
3.	-	Computer generated copy of Property tax receipt	P-3
4.	-	Income Tax Assessment for year 2019 – 2020 and 2020 – 2021	P-4
5.	-	Statement of Income for the	P-5



<i>S.No</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
.		year 2021-2022	

5. Heard the learned counsel for the plaintiff and perused the records.

6. P.W.1, in his evidence, has clearly spoken about purchase of the property on his behalf and also on behalf of the defendant acting as a power of attorney. He has also stated in his evidence that the entire sale consideration has been paid by him for the purchase of the property. Original Sale Deed has been marked as Ex.P.1. Ex.P.1 has been filed to show that the property has been purchased in the name of the plaintiff and the defendant as a power agent. The power of attorney was also executed by the defendant. The power of attorney has been marked as Ex.P.2. Ex.P.4 and Ex.P.5 are the income tax returns and the same shows that the plaintiff has made the entire sale consideration. Ex.P.3 is the property tax receipt and the same is also in the name of the plaintiff. It is not the case of the defendant that the property has been purchased for her benefit. The possession of the property is also with the plaintiff. Defendant has remained exparte. The evidence of P.W.1 and the



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above documents remain unchallenged. In view of the same, I am of the view that the plaintiff has established his case.

7. Accordingly, the suit is decreed with cost as prayed for declaring that the Plaintiff is the sole and absolute owner of the suit schedule B property and consequentially for permanent injunction restraining the defendant and her men from interfering with the peaceful possession and enjoyment of the Schedule-A property.

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N.SATHISH KUMAR, J.

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