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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 31ST DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE N. SESHASAYEE

C.S. No.677 of 2010

S. Prema,  
Wife of G. Sambasivam,  
No. 92, Ellaiamman Koil Street,  
Kottur, Chennai – 600 085.

... Plaintiff

-Vs-

1. L. Logammal,  
Wife of Late. P.R. Lakshmanan,  
Old No. 11/1, New Door No.20,  
West Canal Bank Road,  
Kottur, Chennai – 600 085.

2. L. Chandrakumar,  
Son of Late. P.R. Lakshmanan,  
Old No.11/1, New Door No.20,  
West Canal Bank Road,  
Kottur, Chennai – 600 085.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a decree and judgment in favour of the plaintiff and against the defendant.

i) Directing the defendants to deliver vacant possession of the A and

B Schedule property to the plaintiff and to put the plaintiff in possession



- ii) To restrain the defendants, their men, agents, servants or any one claiming under them by a decree of permanent injunction from in any way putting up any further construction over the Schedule mentioned property (“A” Schedule property in the plaint) pending disposal of the suit;
- iii) To grant the costs of the suit.

This Civil suit along with the C.S.No. 852 of 2009 having been heard on 25.11.2021 in the presence of Mr.P.L.Narayanan, Advocate for the plaintiff herein and Mr.K.Harishankar, Advocate for the 1<sup>st</sup> defendant herein and Mr.G.RM.Palaniappan, Advocate for the 2<sup>nd</sup> defendant herein and upon reading the plaint filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein and having stood over for consideration till this date and coming on this day before this Court for orders in the presence of said advocates for the parties hereto and this Court having observed that after all, the defendants in that suit have claimed right to occupy only as a permissive owner, in other words, they are mere licencees and they occupy the property only at the wish of the licensor, and the first defendant had successfully filed in O.S.No. 2104 of 2007 earlier for bare injunction that her possession shall not be disturbed except by due process of law, **it is ordered :-**



That the defendants herein, be and are hereby directed to deliver vacant possession of the suit property morefully set out in the Schedule – B hereunder, to the plaintiff herein, within 30 days from this day.

2. That (1) L. Logammal and (2) L. Chandrakumar the defendants herein, their men, agents, servants or any one claiming under them, be and are hereby restrained by an order of permanent injunction from in any way putting up any further construction over the suit property morefully setout in the Schedule-A hereunder.

#### **Schedule “A” Property**

All that piece and parcel of the vacant site of the property bearing Old No.11/1, New Door No.20, West Canal Bank Road, Kottur, Chennai – 600 085 comprised in Survey No.79/6 (Old Survey No.79/1) T.S.No. 178 part, Block No.16, measuring 2 Grounds and 1310 square feet (6110 square feet) situate at Kottur Village, Mylapore-Triplicane Taluk, Chennai District, within the limits of Chennai Corporation. Bounded on the

North by : House with door No.14/2A

South by : House with door No. 14/2A

East by : West Canal Bank Road

West by : Land and apartments



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**Schedule “B” Property**

In A Schedule mentioned above, a tiled house having an extent of 500 sq.ft., with electrical and water amenities.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 31ST DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR (O.S. I)

//Certified to be true copy//

Dated at Madras this the                      day of                      2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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14.02.2022

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C.S.No. 677 of 2010

DECREE

DATED: 31.01.2022

THE HON'BLE MR. JUSTICE  
N. SESHASAYEE

FOR APPROVAL : 15.02.2022

APPROVED ON : 18.02.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 25.11.2021

Judgment Pronounced on : 31.01.2022

CORAM : JUSTICE N.SESHASAYEE

C.S.No.677 of 2010  
and C.S.No.852 of 2009

|                |                                                      |
|----------------|------------------------------------------------------|
| 1.S.Prema      | .... Plaintiff in C.S.No.677 of 2010                 |
| 2.Ramachandran | .... 1 <sup>st</sup> Plaintiff in C.S.No.852 of 2009 |
| 3.Mageswari    | .... 2 <sup>nd</sup> Plaintiff in C.S.No.852 of 2009 |
| 4.Kalidass     | .... 3 <sup>rd</sup> Plaintiff in C.S.No.852 of 2009 |
| 5.Murugan      | .... 4 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |
| 6.Yasugy       | .... 5 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |
| 7.Amuthavalli  | .... 6 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |
| 8.Jayalatchumy | .... 7 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |
| 9.Kalaivani    | .... 8 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |
| 10.Thanam      | .... 9 <sup>th</sup> Plaintiff in C.S.No.852 of 2009 |

[Plaintiffs 1 to 9 in C.S.No.852 of 2009  
are represented by PoA, 9<sup>th</sup> Plaintiff in  
C.S.No.852 of 2009]

Vs

|                    |                                                      |
|--------------------|------------------------------------------------------|
| 1.L.Logammal       | .... 1 <sup>st</sup> defendant in C.S.No.677 of 2010 |
| 2.L.Chandrakumar   | .... 2 <sup>nd</sup> defendant in C.S.No.677 of 2010 |
| 3.Beeman           | .... 1 <sup>st</sup> defendant in C.S.No.852 of 2009 |
| 4.Chandrasekaran   | .... 2 <sup>nd</sup> defendant in C.S.No.852 of 2009 |
| 5.Dr.Jawahar Nesan | .... 3 <sup>rd</sup> defendant in C.S.No.852 of 2009 |
| 6.S.Prema          | .... 4 <sup>th</sup> defendant in C.S.No.852 of 2009 |

**Prayer in C.S.No.677 of 2010 :** Civil Suit filed under Section Order IV

Rule 1 of O.S.Rules read with Order VII Rule 1 of CPC., praying for a  
judgment and decree in favour of the plaintiff and against the defendants :



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- (a) to direct the defendants to deliver vacant possession of the 'A' and 'B' schedule property to the plaintiff and to put the plaintiff in possession thereof.
- (b) to restrain the defendants, their men, agents, servants or any one claiming under them by a decree of permanent injunction from in any way putting up any further construction over the schedule mentioned property ('A' schedule property in the plaint) pending disposal of the suit;
- (c) to grant costs of the suit;
- (d) to grant such other relief or reliefs that may be deemed fit and proper in the circumstance of the case and pass further suitable orders.

**Prayer in C.S.No.852 of 2009 :** Civil Suit filed under Section Order IV Rule 1 of O.S.Rules read with Order VII Rule 1 of CPC., praying for a judgment and decree against the defendants :

- (a) for declaration, declaring the plaintiffs are the real owners of the suit schedule property.
- (b) for declaration declaring the power of attorney dated 24.05.2006 executed by the first defendant to and in favour of the second and third defendants which had been adjudicated by the Sub Registrar, Adyar, Chennai-20, on 02.06.2006 as null and void, non-est in law and the same is not binding on the plaintiffs.
- (c) For declaration, declaring the sale deed dated 05.01.2007 executed by the second and third defendants to and in favour of the fourth defendant which was registered as Document No.30/2007 on the file of the Sub Registrar, Adyar, as null and void, non-est in law and the same is not binding on the plaintiffs.



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- (d) For a permanent injunction, restraining the defendants, their men, agents, servants, legal representatives, heirs, assigns and/or any one claiming under or through them from in any way encumbering/alienating the suit property.
- (e) To pay the cost of this suit
- (f) to pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**In C.S.No.677 of 2010**

For Plaintiff : Mr.PL.Narayanan  
For Defendants : Mr.K.Harishankar for D1  
Mr.G.RM.Palaniappan for D2

**In C.S.No.852 of 2009**

For Plaintiff : Mr.G.RM.Palaniappan  
For Defendants : D1 & D2 set exparte  
Mr.PL.Narayanan for D3 & D4

**COMMON JUDGMENT**

There are two suits, their causes of action show that except the property involved therein, they are different. C.S.No.852 of 2009 is laid for declaration of title over the suit property, whereas C.S.No.657 of 2010 is a suit for recovery of possession by the 4<sup>th</sup> defendant in the first mentioned suit (purchaser of the property) against certain third parties who are in physical occupation of the same.

**The undisputed facts:**

2.1 The property in question is comprised in S.No.79/6 (Old S.No.79/1) in Kottur Village, Chennai District, measuring 2 grounds and 1310 sq.ft. (6110 sq.ft.) with a building therein. On 23.11.1979, a certain Beeman, the first defendant had purchased this property for a total consideration of Rs.20,400/-. On 24.05.2006, the first defendant Beeman had executed a Power of Attorney in favour of Chandrasekaran and Dr.Jawahar Nesan, defendants 2 and 3 in the suit. On the strength of this Power of Attorney, on 05.01.2007, defendants 2 and 3 had sold the property to the 4<sup>th</sup> defendant for a total consideration of Rs.50.0 lakhs.

2.2 In one portion of the said property, a certain Logammal and her son Chandrakumar are residing. They are stated to be the relative of the first defendant in C.S.852 of 2009. They are also the defendants in C.S.677 of 2010.

**Pleadings:**

3.1 C.S.No.852 of 2009 is laid by the children of Beeman. They allege :

- On 23.11.1979, the property was purchased in the name of Beeman. For the purchase of the suit property, the first plaintiff, the elder son of Beeman had advanced Rs.19,000/- through two pay orders, both of which are dated 16.11.1979. This was done



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because the plaintiffs were then living in Malaysia and hence, the property was purchased in the name of their father. At that relevant point of time, only the first plaintiff cared the other plaintiffs as they were all minors then.

- On 14.03.2009, it came to light that the first defendant had executed a Power of Attorney dated 24.5.2006 in favour of the defendants 2 and 3, and that on the strength of the said Power of Attorney, on 05.01.2007, the defendants 2 and 3 had sold the property to one Prema, the fourth defendant.
- Indeed, Beeman, the first defendant, was misled and defrauded into executing the Power of Attorney to the defendants 2 and 3. In the property, the defendants in C.S.677 of 2010 (Logammal & Chandrasekar) are residing. On the pretext of evicting them, defendants 2 and 3 had obtained the original title deed of the suit property from the first defendant.
- Beeman had no authority to execute the Power of Attorney as he had no title over the property. Consequently the sale deed that the defendants 2 and 3 had executed in favour of the fourth defendant on of the Power of Attorney is null and void, and non-est in the eye of law.

- On 02.06.2009, the suit notice was issued by the plaintiffs, besides



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which the first defendant on his part had issued another suit notice dated 03.6.2009 to the defendants 2 to 4. To them only the fourth defendant, the purchaser of the property, responded with her reply dated 19.06.2009. She raised untenable contentions.

It is in the backdrop of the cause of action which the above narrated facts provided, the plaintiffs have come forward with the present suit to declare their title over the property and for a declaration that the Power of Attorney which the first defendant, Beeman had executed in favour of the defendants 2 and 3 are not binding.

3.2 The first and the second defendants did not file their written statements and remained exparte. The third defendant has filed his written statement, in which he alleged :

- All the plaintiffs are from Malaysia. This defendant is a renowned Professor and has been associated with top Universities in Malaysia including the University of Technology, Malaysia, and has also served as an Advisor to the Government of Malaysia.
- The second defendant is a close relative of the first defendant. In September, 2006, this defendant came to know about the first defendant through the second defendant. The first defendant



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would then request this defendant to arrange the sale of the suit property. He represented that it was his self-acquired property.

This was corroborated by Chandrasekaran, the second defendant.

- Following this, the first defendant had executed the Power of Attorney at Malaysia in favour of the defendants 2 and 3, attested by a Notary Public and counter signed by an official of Ministry of Foreign Affairs of Malaysia and the Secretary (Consular), High Commission of India, Kuala Lumpur, Malaysia.
- Thereafter, the second defendant came to India, held negotiations with the fourth defendant for sale of the property. The fourth defendant had agreed to buy the property for a sum of Rs.50.0 lakhs. It was also agreed that Rs.10.0 lakhs would be withheld by the second defendant for payment of capital gains, if so required payable by the first defendant, and the balance Rs.40.0 lakhs was to be paid to the first defendant, Beeman.
- Indeed, when the sale was concluded on 05.01.2007 in favour of the fourth defendant, the second defendant was present in the Office of the Sub-Registrar along with this defendant, and that the second defendant's identity was also disclosed in the sale deed itself.

- All the plaintiffs as well as the first and the second defendants are



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living in Malaysia. Indeed, some of the plaintiffs as well as the first defendant Beeman are living together in the same apartment. The plaintiffs have control over their father Beeman, and they have collusively filed the suit.

- While so, to his surprise, this defendant received the suit notice and upon receipt of which he contacted the second defendant, and the latter had then promised that he would talk to the first defendant and would settle the issue. But that did not happen.
- There is no bonafide on the part of the plaintiffs to institute the suit.

3.3 The fourth defendant in his, rather lengthy and over-wound written statement has alleged that :

- The sale in favour of the fourth defendant is valid and that she had taken possession of the property.
- In the suit property, a certain Logammal was residing in a small portion, and contended that she is in permissive occupation of the suit property under Bheeman, the first defendant, that these occupants had laid O.S.No.2104 of 2007 before the VIII Assistant City Civil Court, Chennai, for bare injunction against this

defendant. That suit came to be dismissed and in its judgement



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the Court had held that Logammal was not in possession of the property, and also recorded in its finding that there is no dispute between the parties and that the first defendant was initially the owner of the property.

- The fourth defendant has also laid RCOP.No.1591/2008 before the Rent Controller, for eviction of Logammal and his son from the property.
- The allegation is that only on 14.3.2009, the plaintiffs came to know of the execution of the power of attorney by the first defendant in favour of the defendants 2 and 3 as well as the sale of the property to the fourth defendant is utterly false. The suit property belonged to the first defendant and the sale deed executed is valid.

Hence, the suit is liable to be dismissed.

#### **Pleadings in C.S.No.677 of 2010 :**

4.1 This suit is laid by the fourth defendant in C.S.No.852 of 2009 against the two individuals viz., Logammal and her son Chandrakumar, to evict them from the portion of the property that they are in occupation. The suit property of C.S.No.852 of 2009 is described in this plaint as 'A' schedule

property, and a portion which the defendants Logammal and his son have



occupied is described as 'B' schedule property.

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4.2 In her plaint, the plaintiff alleges that :

- She has purchased the suit property vide sale deed executed in her favour on 05.01.2007 by Beeman (first defendant in C.S.No.852 of 2009 through his Power of Attorneys).
- The defendants are the permissive occupants under the aforesaid Beeman.
- Indeed with regard to the suit property, the second defendant-Chandrakumar, son of the first defendant-Logammal had instituted O.S.No.4525 of 2006 against Beeman and later on coming to know of the purchase of the suit property, he impleaded Prema, the plaintiff, and that came to be dismissed on 21.10.2008.
- Subsequently, the first defendant Logammal had instituted O.S.No.2104/2007 for a bare injunction against the defendants therein (Sambasivam, husband of Prema and one Vardhan) not to disturb her possession. That suit came to be decreed since the Court had found that the defendants are in settled physical permissive possession.
- In the meantime, this plaintiff has instituted O.S.No.4486/2008 against the defendants for a bare injunction that her possession in



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the suit property should not be disturbed. This was subsequently withdrawn.

- The plaintiff has filed RCOP.No.1591 of 2008 for evicting the defendants and that came to be dismissed on the ground that there was no jural relationship between the landlord and tenant, the plaintiff and the defendants herein. Subsequently, this was challenged in RCA.No.373 of 2009 and it was dismissed for default.
- Inasmuch as the defendants themselves are in permissive possession, on 01.10.2009, the plaintiff issued a suit notice requiring them to deliver vacant possession of the suit property.

Hence the suit.

5. The defendants have filed separate written statements. The only significant defense taken is that the suit is hit by Order II Rule 2 CPC., Indeed, they would contend that in addition to the present suit, there are other legal proceedings (the details of which are already stated). The plaintiff had also laid C.S.No.994 of 2009 before this Court and that came to be transferred to the City Civil Court as O.S.No.4486 of 2008 and that too was withdrawn. Indeed, seeking the present relief is always available



CPC., that the suit is not maintainable and is liable to be dismissed.

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6. On these pleadings, following issues are framed :

| <b>C.S.No.852 of 2009</b>                                                                                                                                                                                                                     | <b>C.S.No.677 of 2010</b>                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>1) Whether the plaintiffs are entitled for a declaration that the plaintiffs are the real owners of the suit schedule property?</i>                                                                                                        | <i>1) Whether the plaintiff is entitled to get recovery of possession of the suit schedule property from the defendants?</i>                                                                                 |
| <i>2) Whether the suit schedule property in C.S.No.852 of 2009 is the self-acquired property of the 1<sup>st</sup> defendant?</i>                                                                                                             | <i>2) Whether the suit is hit by Order II Rule 2 of CPC?</i>                                                                                                                                                 |
| <i>3) Whether the plaintiffs are entitled for declaration declaring the power of attorney dated 24.05.2006 executed by the first defendant to and in favour of second and third defendants as null and void?</i>                              | <i>3) Whether there is jural relationship of landlord and tenant between the plaintiff and defendants?</i>                                                                                                   |
| <i>4) Whether the plaintiffs are entitled for a declaration declaring the sale deed dated 05.01.2007 executed by the second and third defendants in favour of the fourth defendant registered as Document No.30 of 2007 as null and void?</i> | <i>4) Whether the plaintiff is entitled for permanent injunction restraining the defendants from any way by putting up any further construction over the scheduled 'A' mentioned property in the plaint?</i> |
| <i>5) Whether the plaintiffs are entitled for a permanent injunction restraining the defendants from in any way encumbering or alienating the suit schedule property?</i>                                                                     | <i>5) As to what relief the plaintiff is entitled to?</i>                                                                                                                                                    |
| <i>6) Whether the suit is hit by</i>                                                                                                                                                                                                          |                                                                                                                                                                                                              |



| <b>C.S.No.852 of 2009</b>                                                                               | <b>C.S.No.677 of 2010</b> |
|---------------------------------------------------------------------------------------------------------|---------------------------|
| <i>Order III Rule 2 CPC in view of the Power of Attorney dated 03.3.2009 is admissible in evidence?</i> |                           |

7.1 As outlined earlier, both the suits went for joint trial and evidence was recorded in C.S.No.852 of 2009. For the plaintiffs, the 9<sup>th</sup> plaintiff was examined as P.W.1, through who, Ext.P1 to Ext.P9 came to be marked. Of them, Ext.P8 is the sale deed dated 23.11.1979 executed in favour of the first defendant by his vendor pertaining to the suit property. Exts.P1 & P2 are the bank advices dated 16.11.1979, to prove that the first plaintiff had advanced Rs.19,000/- to the first defendant for the purchase of the property under Ext.P8. Ext.P3 is the Power of Attorney dated 24.05.2006, that the first defendant had executed in favour of the defendants 2 and 3, and Ext.P7 is the sale deed dated 05.01.2007, which the defendants 1 and 2 have executed in favour of the fourth defendant, based on Ext.P3, PoA. The second defendant in C.S.No.677 of 2010 was examined as P.W.2.

7.2 Defending the suit in C.S.No.852 of 2009, the fourth defendant's husband alone has entered the box to prove the title of his wife, the fourth defendant. He was examined as D.W.2, and had produced Exts.D1 to D13.

Part of the evidence that D.W.1 tendered is against the defendants in C.S.677 of 2010. D.W.2 is the daughter of Logammal, the first defendant in



C.S.No.677 of 2010. This defendant has produced D14 to D24.

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**Arguments:**

8.The learned counsel for the plaintiffs in C.S.No.822 of 2009 argued that to prove the case of the plaintiffs, 9<sup>th</sup> defendant was examined as P.W.1. Indeed, she has denied the signature of her father, the first defendant (Beeman) in the alleged Power of Attorney and that the plaintiffs have not taken any efforts to prove the same. When the Power of Attorney fails, the sale deed executed by the Power of Attorney in favour of the fourth defendant-Prema (plaintiff in the connected suit in C.S.No.677 of 2010) also fails.

9. The counsel for the fourth defendant in C.S.No.852 of 2009 who also wears the cap of the counsel of the plaintiff in the connected suit in C.S.No.677 of 2010 submitted that the foundational fact for providing the cause of action for C.S.No.822 of 2009 is that the entire funds for the purchase of the property had proceeded from the first plaintiff in C.S.No.822 of 2009 and to prove the same P.W.1 has produced Ext.P1 and Ext.P2, both are bank orders for Rs.9,500/- each. P.W.1. also admits that she was barely 13 to 14 years at the time when the suit property was purchased by Beeman vide Ext.P8, and she literally pleads ignorance to the



core allegation of first plaintiff providing funds. Indeed, she was silent in her entire deposition about this fact except introducing Ext.P1 and Ext.P2 in evidence. Even if she has spoken anything, it would only amount to hearsay since the best evidence regarding the same would only come from the first plaintiff. She also added that since the purchase of the property, the fourth defendant had mutated the property in her name. She also laid a suit in O.S.No.4486 of 2008 for bare injunction against the defendants in C.S.No.677 of 2010, and that came to be dismissed as withdrawn. Couple of days after the withdrawal of that suit, the first defendant in C.S.677 of 2010 was successful in obtaining a decree in her suit in O.S.No.2104 of 2007 whose judgement and decree are marked as Ext.D18 & Ext.D19, wherein the learned XIII Assistant Judge, City Civil Court, Chennai had held that the plaintiff before that Court (the first defendant in this suit) is in settled physical possession of the property as a permissive occupant under Beeman, the first defendant in C.S.No.852 of 2009. It is true that Prema had laid RCOP.No.1591 of 2008, which she had lost since the Rent Controller found that there was no landlord-tenant relationship between the parties. These are the broad circumstances under which the plaintiff was constrained to withdraw all the legal proceedings that she had initiated, and to file a separate suit for recovery of property. Since the defendants have not raised any sustainable defence in law, that suit may have to be decreed.



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**Discussion and Decision****All the Issues in C.S.852 of 2010:**

10.1 There is considerable merit in the argument of the counsel for the fourth defendant in C.S.No.852 of 2009 (the plaintiff in the connected C.S.677 of 2010). When the first plaintiff in C.S.No.852 of 2009 contends that the first defendant had not contributed the funds for the purchase of the suit property under Ext.P8, and that he had advanced the sum, the said fact has to be proved only by the first plaintiff in C.S.No.852 of 2009. Secondly, here P.W.1 admits in her evidence that she was barely 13 or 14 years and she had conceded to her ignorance about the facts on the basis of which the suit is laid. This apart there is utter silence as to what happened to the sale consideration which the fourth defendant had paid the power of attorney of the first defendant. The plaintiffs who challenge the Power of Attorney executed by the first defendant and the sale did not whisper anything about it. When the core fact are not proved, the suit travels towards its dismissal.

**All the issues in C.S.677 of 2010**

<https://hcservices.ecourts.gov.in/hcservices/>

11.1 Turning to the second part, inasmuch as the defendants case was that



the fourth defendant had succeeded in C.S.No.852 of 2009, it necessarily should follow that the second suit in C.S.No.677 of 2010 that she has laid has to be decided in her favour. After all, the defendants in that suit have claimed right to occupy only as a permissive owner. In other words, they are mere licencees and they occupy the property only at the wish of the licencor.

11.2 As to the plea of the defendants that the present suit is hit by Order II Rule 2 CPC is concerned, the said plea is misconceived since the plaintiff has withdrawn the earlier suit to file a comprehensive suit for recovery of possession. It is appropriate more so in the context of the fact that the first defendant in C.S.No.677 of 2010 had successfully filed O.S.No.2104 of 2007 earlier for bare injunction that her possession shall not be disturbed except by due process of law vide Ext.D18.

## **12. Conclusion :**

- A) C.S.No.852 of 2009 is dismissed with costs.
- B) C.S.No.677 of 2010 is decreed and the defendants are directed to delivery vacant possession of the 'B' schedule property to the plaintiff within 30 days from today.

## **APPENDIX**



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| <b>Plaintiffs :</b> |                                                                                                                                      |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| P.W.1               | Thanam (9 <sup>th</sup> Plaintiff in C.S.No.852 of 2009)                                                                             |
| P.W.2               | L.Chandrakumar (2 <sup>nd</sup> defendant in C.S.No.677 of 2010)                                                                     |
| <b>Defendants :</b> |                                                                                                                                      |
| D.W.1               | G.Sambasivam (husband of Mrs.Prema, the plaintiff in C.S.No.677 of 2010, who is the 4 <sup>th</sup> defendant in C.S.No.852 of 2009) |
| D.W.2               | M.Manjula (daughter & PoA of Logammal, 1 <sup>st</sup> defendant in C.S.No.677 of 2010)                                              |

## II. Exhibits :

|        |            |                                                                                                                                                                                                                                                                   |
|--------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ext.P1 | 16.11.1979 | Bank Advice No.15/058/111 of United Asian Bank Berhad, Malaysia for Rs.9,500/- issued in favour of Mr.Beeman, 1 <sup>st</sup> defendant in C.S.No.852 of 2009                                                                                                     |
| Ext.P2 | 16.11.1979 | Bank Advice No.15/058/112 of United Asian Bank Berhad, Malaysia for Rs.9,500/- issued in favour of Mr.Beeman, 1 <sup>st</sup> defendant in C.S.No.852 of 2009                                                                                                     |
| Ext.P3 | 24.05.2006 | Copy of Power of Attorney executed by Beeman, the 1 <sup>st</sup> defendant in C.S.No.852 of 2009 in favour of Mr.Chandrasekaran and Dr.Jawahar Nesan, the 2 <sup>nd</sup> & 3 <sup>rd</sup> defendants in C.S.No.852 of 2009                                     |
| Ext.P4 | 02.6.2009  | Xerox copy of legal notice issued by the plaintiffs in C.S.No.852 of 2009 to the defendants 1 to 4                                                                                                                                                                |
| Ext.P5 | 19.06.2009 | Xerox copy of reply notice sent to the plaintiffs counsel in C.S.No.852 of 2009 (in reference to their notice dated 02.6.2009 ) by the defendants                                                                                                                 |
| Ext.P6 |            | Postal acknowledgement cards & returned covers of the legal notice                                                                                                                                                                                                |
| Ext.P7 | 05.01.2007 | Xerox copy of sale deed executed by Mr.Beeman through his Power of Agents Mr.Chandrasekaran and Dr.Jawahar Nesan, the 2 <sup>nd</sup> & 3 <sup>rd</sup> defendants in C.S.No.852 of 2009, in favour of Mrs.Prema, 4 <sup>th</sup> defendant in C.S.No.852 of 2009 |



|                     |            |                                                                                                                                                                                                                                                                    |
|---------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ext.P8              | 23.11.1979 | Xerox copy of sale deed executed in favour of Mr.Beeman by his vendor                                                                                                                                                                                              |
| Ext.P9              | 30.3.2009  | Xerox copy of Power of Attorney executed by the plaintiffs 1 to 8 in C.S.No.852 of 2009 in favour of Mrs.Thanam, 9 <sup>th</sup> plaintiff in C.S.No.852 of 2009                                                                                                   |
| <b>Defendants :</b> |            |                                                                                                                                                                                                                                                                    |
| Ext.D1              | 05.01.2007 | Xerox copy of sale deed executed by Mr.Beeman through his Power of Agents Mr.Chandrasekaran and Dr.Jawahar Nesan, the 2 <sup>nd</sup> & 3 <sup>rd</sup> defendants in C.S.No.852 of 2009, in favour of Mrs.Prema, 4 <sup>th</sup> defendant in C.S.No.852 of 2009  |
| Ext.D2              | 15.12.2008 | Xerox copy of judgment in O.S.No.4486 of 2008                                                                                                                                                                                                                      |
| Ext.D3              | 21.10.2008 | Xerox copy of the decree in O.S.No.4525 of 2006                                                                                                                                                                                                                    |
| Ext.D4              | 28.02.2007 | Certificate of name transfer of property to Mrs.Prema issued by Corporation of Chennai                                                                                                                                                                             |
| Ext.D5              | 12.03.2007 | Xerox copy of patta (extract from Town Survey Land Register)                                                                                                                                                                                                       |
| Ext.D6              | 02.06.2009 | Xerox copy of legal notice issued by the plaintiffs in C.S.No.852 of 2009 to the defendants 1 to 4                                                                                                                                                                 |
| Ext.D7              | 03.6.2009  | Xerox copy of legal notice issued to the defendants 2 to 4 by Mr.Beeman, 1 <sup>st</sup> defendant in C.S.No.852 of 2009                                                                                                                                           |
| Ext.D8              | 21.07.2010 | Photographs                                                                                                                                                                                                                                                        |
| Ext.D9              | 04.06.2019 | Declaration of Mrs.Prema authorizing her husband Mr.G.Sambasivam to give evidence and to submit documents on her behalf                                                                                                                                            |
| Ext.D10             | 05.01.2007 | Xerox copy of sale deed executed by Mr.Beeman through his Power of Agents Mr.Chandrasekaran and Dr.Jawahar Nesan, the 2 <sup>nd</sup> & 3 <sup>rd</sup> defendants in C.S.No.852 of 2009, in favour of Mrs.Prema, 4 <sup>th</sup> defendant in C.S.No.852 of 2009, |
| Ext.D11             | 15.12.2008 | Certified copy of judgment in O.S.No.4486 of 2008                                                                                                                                                                                                                  |
| Ext.D12             | 21.12.2008 | Certified copy of judgment in O.S.No.4525 of 2008                                                                                                                                                                                                                  |
| Ext.D13             | 12.03.2007 | Certified copy of patta (extract from Town Survey Land Register)                                                                                                                                                                                                   |
| Ext.D14             | 06.03.2020 | Original Special Power of Attorney executed by Mrs.Logammal, 1 <sup>st</sup> defendant in C.S.No.677 of 2010 in favour of her daughter Mrs.M.Manjula (D.W.2)                                                                                                       |
| Ext.D15             | 01.08.2000 | Certified copy of death certificate of Mr.K.Lakshmanan                                                                                                                                                                                                             |
| Ext.D16             |            | Certified copy of Voter ID of Mrs.Logammal                                                                                                                                                                                                                         |



WEB COPY

|         |            |                                                                                                                |
|---------|------------|----------------------------------------------------------------------------------------------------------------|
| Ext.D17 | 26.02.2007 | Original Police complaint lodged by Mrs.Logammal against one Siva & Varadhan before Kotturpuram Police Station |
| Ext.D18 | 18.12.2008 | Copy of the judgment in O.S.No.2104 of 2007                                                                    |
| Ext.D19 | 18.12.2008 | Copy of the decree in O.S.No.2104 of 2007                                                                      |
| Ext.D20 | 09.07.2013 | Copy of the judgment in RCA.No.373 of 2009                                                                     |
| Ext.D21 | 09.07.2013 | Copy of the decree in RCA.No.373 of 2009                                                                       |
| Ext.D22 |            | Copy of the Family Card of Mrs.Manjula Mohan                                                                   |
| Ext.D23 | 02.10.2013 | Copy of the Aadhaar Card of Mrs.Logammal                                                                       |
| Ext.D24 |            | Copy of Identity Card issued for receiving Government aids.                                                    |

Sd./-N.S.S.J.,  
31.01.2022

//Certified to be true copy//

Dated at Madras this the       day of       2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.