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C.S. No.75 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.S. No.75 of 2023

1. Hemalatha Ramachandran [Deceased]

W/o. C.V. Ramachandran

2. Dharini M. Ramanathan

W/o. K.S. Mohan Ramanathan

[2nd Plaintiff is already on record and recorded as the

Legal heir of the deceased 1st Plaintiff as per the

order dated 07.10.2023 in memo dated 02.09.2025]

... Plaintiffs

vs.

1. M/s. The Modern Builders,
No.1A, Ramarao Street, T.Nagar,
Chennai-600 017.

2. G. Krishnamurthy S/o. P. Ganesan
Add. Director of Company
12, Bakthavachalam Colony II Street, Vadapalani,
Chennai-600 026.

3. G.K. Thendral Kumarrishanamurthy S/o. G. Krishnamurthy
Add. Director of Company
12, Bakthavachalam Colony II Street, Vadapalani,
Chennai-600 026.

4. V. Umarrani W/o. M.C. Vaidhyalingam
Add. Director of Company,
Anna Malai University Campus,
Chidambaram – 608 002.



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[Defendants 2 to 4 brought on record
vide order dated 01.03.2024 in A. No.1119 of 2024] ... Defendants

PRAYER: The Suit is filed under Order IV Rule I of Original Side Rules read with Order VII Rule 1 of Civil Procedure Code praying

(i) to declare that the Plaintiffs are lawful and absolute owners of the Suit schedule property at No.1, 1st Street, Habibullah Road, T.Nagar, Chennai-600 017;

(ii) to consequently grant a mandatory injunction, directing the defendants to execute a Sale Deed in favour of the Plaintiffs;

(iii) to direct the defendants to pay the cost of the Suit.

For Plaintiffs : Mr. K. Venkat

For Defendants : D1 to D4 set exparte

JUDGMENT

This Suit has been filed by the Plaintiffs for the relieves of declaration to declare that the Plaintiffs are the lawful and absolute owners of the Scuit Schedule property and consequently to grant a mandatory injunction directing the defendants to execute a Sale Deed in favour of the Plaintiffs and for costs.



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2. The brief averments of the Plaintiff are as follows:-

The deceased 1st Plaintiff's husband and the 2nd Plaintiff's father namely Late Mr. C.V. Ramachandran had approached the defendant for purchasing a land and building and entered into an agreement for conveyance in respect of Plot No.1A of Town Survey No.4816 which is part of Thiagaraya Nagar, Chennai-600 017. The 1st defendant developed the Suit schedule property along with other property admeasuring 10 grounds and 45 sq. feet at Habibullah Road, T.Nagar, Chennai which was originally belonging to M.R.M.M.L. Muthupalaniappa Chettiar, whereby the original owner entered into an agreement with the 1st defendant M/s. The Modern Builders on 14.09.1969. The husband of the 1st Plaintiff (deceased) and the father of the 2nd Plaintiff namely Late Mr. C.V. Ramachandran had paid a sum of Rs.1,03,798/- as total sale consideration for the land and building to the 1st defendant and the 1st defendant also issued receipts for that and also handed over the possession of the Schedule property on 11.11.1971. The 1st defendant had developed and had converted the ten grounds and 45 sq.ft. of land into 8 plots leaving sufficient space for 25feet private Road and the Corporation of Madras had also approved the Layout No.103 of 1969. The father of the 2nd Plaintiff namely Late Mr. C.V. Ramachandran made a



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proposal to purchase one Plot constructed with building in Plot No.1A and the defendant also accepted the proposal and fixed the total cost of land including building at Rs.92,000/-, Stamp and Registration charges at Rs.2,700/- and extra bills at Rs.11,716/- and totally Rs.1,06,416/- was paid. The 1st defendant after receipt of entire consideration, handed over the possession of the land and building in good condition on 11.11.1971. The Plaintiffs are in possession and enjoyment of the property from 11.11.1971 till date.

2.1. After taking possession of the land, the father of the 2nd Plaintiff had approached the defendant to execute Sale Deed and the 1st defendant delayed the registration due to dispute between the Original owner and the defendant. There was a Suit in O.S. No.4967 of 1973 pending before the Assistant City Civil Court, Madras for recovery of Rs.49,337/-. The dispute in the Suit was between the original owner and the 1st defendant. In the above Suit, the father of the 2nd Plaintiff, namely Late Mr. C.V. Ramachandran was also impleaded as one of the parties and he claimed that he had paid a sum of Rs.1,03,798.60 towards the cost of the land and buildings, fixtures, stamp duty and registration charges as early as on 11.11.1971. After receipt of notice from the City Civil Court, Madras, he



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came to know that the 1st defendant had not paid the value of the land to the

original owner, but the 1st defendant had already handed over the possession

of the schedule mentioned property on 11.11.1971. In the above said Suit,

the City Civil Court observed that the 2nd Plaintiff's father had taken over the

legal possession of the land including building from the 1st defendant. The

2nd Plaintiff's father had clearly established his possession over the Plot

No.1A. He was the established owner of the Suit schedule property with

respect to the property in Plot No.1A. The father of the 2nd Plaintiff paid all

the public dues related to the Suit schedule property like property tax, water

and sewerage tax and electricity bills etc., The father of the 2nd Plaintiff

requested the 1st defendant to complete the registration, but the 1st defendant

had delayed the registration process. The 1st Plaintiff and her husband has

two children namely C.R. Dhilip and Dharini Ramachandran. The father of

the 2nd Plaintiff and the husband of the 1st Plaintiff died on 11.02.2005. The

brother of the 2nd Plaintiff and the son of the 1st Plaintiff namely C.R. Dhilip

also died as unmarried. The non-registration of the Schedule property was

known to the Plaintiffs only after 13.04.2020. Therefore, the Plaintiffs had

sent notice to the defendant on 21.02.2022, but the notice was returned.

Therefore, the Plaintiffs have filed the Suit.



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3. The defendants have not contested the Suit and they were set exparte. In order to prove the case of the Plaintiffs, they examined PW1 and marked Ex.P.1 to Ex.P.26.

4. The *points for determination* in the Suit are (i) *whether the 2nd Plaintiff is entitled to decree for declaration over the Suit schedule property and (ii) whether the 2nd Plaintiff is entitled to decree for mandatory injunction directing the defendants to execute Sale Deed in favour of the 2nd Plaintiff.*

5. The learned counsel appearing for the Plaintiffs would submit that the husband of the 1st Plaintiff and the father of the 2nd Plaintiff had purchased the property from the 1st defendant, he paid a sum of Rs.1,03,798/- and the possession was also handed over to the 2nd Plaintiff's father on 11.11.1971. The 1st defendant failed to execute the registered Sale Deed. Thereafter, the father of the 2nd Plaintiff died on 11.02.2005. Therefore, the property was managed by the 1st Plaintiff's son and the 2nd Plaintiff's brother namely C.R. Dhilip and he also died unmarried on 30.01.2020. Thereafter, the Plaintiffs came to know that the registration had not taken place in respect



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of the property, the possession of which was already handed over by the 1st

defendant on 11.11.1971 in favour of the father of the 2nd Plaintiff, who is the

husband of the 1st Plaintiff. Therefore, the Plaintiffs issued a notice to the 1st

defendant on 21.02.2022, but the same was returned. Therefore, the

Plaintiffs filed the Suit seeking declaration declaring that the Suit property

belongs to the Plaintiffs and mandatory injunction to direct the defendants to

execute Sale Deed in favour of the Plaintiffs. In order to prove the case of

the Plaintiffs, they examined PW1 and marked Ex.P.1 to Ex.P.26. The

Plaintiffs' side witness has categorically deposed about the payments made by

the husband of the 1st Plaintiff and also produced receipts. Therefore, the

Plaintiffs have proved their case. The defendants did not contest the case.

Therefore, there is no contra evidence to rebut the Plaintiffs' side evidence.

Therefore, the 2nd Plaintiff is entitled to the relieves as prayed for in the

Plaint.

6. Heard both sides and perused the entire materials.

7. Answers to the points:

According to the Plaintiffs, the father of the 2nd Plaintiff and the

husband of the 1st Plaintiff (deceased) had purchased the Suit property from

the 1st defendant and he made payments on various dates and after payments



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made, the possession of the property was handed over to the husband of the

1st Plaintiff and the father of the 2nd Plaintiff. Therefore, from 11.11.1971, the

Plaintiffs have been in possession and enjoyment of the property. In the meantime, the Plaintiffs came to know that no registration has been taken place and no property was registered in the name of the father of the 2nd Plaintiff. It is further contended by the Plaintiffs that the original property belonged to one Mr. M.R.M.M.L. Muthupalaniappa Chettiar and he entered into an agreement with the 1st defendant namely M/s. Modern Builders on 14.09.1969. There was a Suit pending between the 1st defendant and the original owner of the property namely Mr. M.R.M.M.L. Muthupalaniappa Chettiar and the said Suit was pending before the Assistant City Civil Court, Madras in O.S. No.4967 of 1973 for recovery of money, where the 1st Plaintiff's husband namely late Mr. C.V. Ramachandran was also impleaded as one of the parties and according to the Plaintiffs, the Court observed that the 1st Plaintiff's husband was in possession and enjoyment of the property and he is the owner of the property. The Plaintiffs have failed to produce any documents for the execution of Sale Deed in favour of the 1st Plaintiff's husband, who is the father of the 2nd Plaintiff. They produced only the receipts.



Ex.P.1 is the Original Receipt dated 05.10.1969 for the amount received by the 1st defendant namely M/s. The Modern Builders for Plot No.2-A.

Ex.P.2 is the Original Receipt dated 11.11.1969 for the payment of Rs.20,000/- paid by Mr. C.V. Ramachandran to the 1st defendant for the Plot No.2-A.

Ex.P.3 is the letter dated 21.02.1970 sent by the 1st defendant to Mr. C.V. Ramachandran.

Ex.P.4 is the letter dated 02.04.1970 sent by the 1st defendant to Mr. C.V. Ramachandran.

Ex.P.5 is the letter dated 17.05.1970 written by Mr. C.V. Ramachandran to the 1st defendant M/s. Modern Builders.

Ex.P.6 is the original receipt dated 21.05.1970 for Rs.25,000/- paid by Mr. C.V. Ramachandran to the 1st defendant M/s.Modern Builders for Plot No..1A

Ex.P.7 is the Original Receipt dated 09.12.1970 for Rs.5,000/- issued by the 1st defendant in favour of Mr. C.V. Ramachandran for the payment with respect to Plot No.1A.

Ex.P.8 is the letter dated 08.01.1971 sent by the 1st defendant M/s. Modern Builders to Mr. C.V. Ramachandran.

Ex.P.9 is the Original Receipt dated 10.01.1971 issued by the 1st defendant in favour of Mr. C.V. Ramachandran in respect of Plot No.1A.

Ex.P.10 is also a letter dated 29.03.1971 issued by the 1st defendant to Mr. C.V. Ramachandran.

Ex.P.11 is the Original Receipt dated 08.04.1971 issued by the 1st defendant M/s. Modern Builders to Mr. C.V. Ramachandran for the payment in respect of Plot No.1A.

Ex.P.12 is the Original Receipt dated 12.08.1971 issued by the 1st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.2A.

Ex.P.13 is the Original Receipt dated 04.09.1971 issued by the 1st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.1A.

Ex.P.14 is the Original Receipt dated 11.11.1971 issued by the 1st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.1A.

Ex.P.15 is the letter dated 11.11.1971 written by the 1st defendant M/s.Modern Builders to Mr. C.V. Ramachandran.

Ex.P.16 is the certified copy of the judgment passed in O.S. No.4967 of 1973 dated 10.08.1979.

Ex.P.17 is the Death Certificate of Mr. C.V. Ramachandran.

Ex.P.18 is the Legal Heirship Certificate dated 11.03.2005

Ex.P.19 is the Death Certificate of Mr. C.R. Dilip.

Ex.P.20 is the Legal Heirship Certificate of Mr. C.R. Dilip dated 20.12.2021.

Ex.P.21 is the Property Tax demand card along with receipt from the Greater Chennai Corporation.

Ex.P.22 is the Water and Sewerage Tax-cum-Charges card along with receipt from the Chennai Metropolitan Water Supply and Sewerage Board.

Ex.P.23 is the Electricity card.

Ex.P.24 and Ex.P.25 are the Aadhar cards of the Plaintiffs.

Ex.P.26 is the returned unserved postal cover.



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8. On a careful perusal of the above said documents Ex.P.1 to Ex.P.26,

it is clear that some payments were made by Late Mr. C.V. Ramachandran, husband of the deceased 1st Plaintiff and the father of the 2nd Plaintiff in respect of Plot Nos.1A and 2A. But the Plaintiffs themselves have admitted that the original owner of the said properties is one Mr. M.R.M.M.L. Muthupalaniappa Chettiar. But there is no any document to show that the said Mr. M.R.M.M.L. Muthupalaniappa Chettiar had executed a deed in favour of the 1st defendaant, in turn, the 1st defendant had executed any deed in favour of Mr. C.V. Ramachandran, the husband of the 1st Plaintiff (deceased) and the father of the 2nd Plaintiff. Mere receipts are not sufficient to prove the same. Though the defendants have not appeared before the Court, it is the duty of the Plaintiffs to prove their case. The Plaintiffs filed the Suit for declaration in respect of the title of the property and they have to prove the case independently through documents. Even according to the Plaintiffs, the possession of the property was handed over to the father of the 2nd Plaintiff / husband of the 1st Plaintiff on 11.11.1971. Thereafter, the husband of the 1st Plaintiff has not taken any steps to execute the Sale Deed in his favour and he also died in the year 2005. There are no documents to prove the purchase of the property by the said Late Mr. C.V. Ramachandran.



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Therefore, the Plaintiffs are not entitled to the relief of declaration.

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9. As far as the relief of mandatory injunction is concerned, the father of the 2nd Plaintiff and the husband of the 1st Plaintiff himself, during his life time, has made payments in the year 1971. Thereafter, the father of the 2nd Plaintiff has not taken any steps to execute the Sale Deed in his favour. Now, the Plaintiffs, have filed this Suit after 50 years without any title deeds, thereby the 2nd Plaintiff is not entitled to mandatory injunction to execute the Sale Deed. In all the receipts exhibited, there is no mention about the Survey Number and other particulars of the property. Therefore, without any sufficient records, the Plaintiffs are not entitled to any relief through this Suit.

10. In the result, the *Suit is dismissed*. There shall be no order as to costs.

....11.2025

Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Plaintiff side Witnesses:

PW1 : Mrs. Hemalatha Ramachandran



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List of Plaintiff side Documents:

Exhibit No.	Date	Description of Documents
Ex.P.1	05.10.1969.	Original Receipt for the amount received by the 1 st defendant namely M/s. The Modern Builders for Plot No.2-A
Ex.P.2	11.11.1969	Original Receipt for the payment of Rs.20,000/- paid by Mr. C.V. Ramachandran to the 1 st defendant for the Plot No.2-A.
Ex.P.3	21.02.1970	letter sent by the 1 st defendant to Mr. C.V. Ramachandran.
Ex.P.4	02.04.1970	letter sent by the 1 st defendant to Mr. C.V. Ramachandran.
Ex.P.5	17.05.1970	Letter written by Mr. C.V. Ramachandran to the 1 st defendant M/s. Modern Builders.
Ex.P.6	21.05.1970	Original receipt for Rs.25,000/- paid by Mr. C.V. Ramachandran to the 1 st defendant M/s.Modern Builders for Plot No..1A
Ex.P.7	09.12.1970	Original Receipt for Rs.5,000/- issued by the 1 st defendant in favour of Mr. C.V. Ramachandran for the payment with respect to Plot No.1A.
Ex.P.8.	08.01.1971	Letter sent by the 1 st defendant M/s. Modern Builders to Mr. C.V. Ramachandran.
Ex.P.9.	10.01.1971	Original Receipt issued by the 1 st defendant in favour of Mr. C.V. Ramachandran in respect of Plot No.IA.
Ex.P.10	29.03.1971	letter issued by the 1 st defendant to Mr. C.V. Ramachandran.
Ex.P.11	08.04.1971	Original Receipt issued by the 1 st



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		defendant M/s. Modern Builders to Mr. C.V. Ramachandran for the payment in respect of Plot No.1A.
Ex.P.12	12.08.1971	Original Receipt issued by the 1 st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.2A.
Ex.P.13	04.09.1971	Original Receipt issued by the 1 st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.1A.
Ex.P.14	11.11.1971	Original Receipt issued by the 1 st defendant M/s.Modern Builders in favour Mr. C.V. Ramachandran in respect of Plot No.1A.
Ex.P.15	11.11.1971	letter dated written by the 1 st defendant M/s.Modern Builders to Mr. C.V. Ramachandran.
Ex.P.16	-	Certified copy of the judgment passed in O.S. No.4967 of 1973 dated 10.08.1979.
Ex.P.17		Death Certificate of Mr. C.V. Ramachandran.
Ex.P.18	11.03.2005	Legal Heirship Certificate
Ex.P.19	-	Death Certificate of Mr. C.R. Dilip.
Ex.P.20	20.12.2021	Legal Heirship Certificate of Mr. C.R. Dilip dated
Ex.P.21	-	Property Tax demand card along with receipt from the Greater Chennai Corporation.
Ex.P.22	-	Water and Sewerage Tax-cum-Charges card along with receipt from the Chennai Metropolitan Water Supply and Sewerage Board.



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Ex.P.23		Electricity card.
Ex.P.24	-	Aadhar Card of the 1 st Plaintiff.
Ex.P.25	-	Aadhar card of the 2 nd Plaintiff.
Ex.P.26	-	Returned unserved postal cover.

17.11.2025

To

The Sub-Assistant Registrar (Original side),
High Court, Madras.



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P.DHANABAL.,J

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