

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2015

CORAM :
THE HON'BLE MS. JUSTICE K.B.K.VASUKI

Second Appeal Nos.117, 1208 and 169 of 2010

SA.No.117 of 2010

VPM.Lal

... Appellant/1st
Defendant

Vs.

1.Chottima
2.Ammaji
3.Noorjahan
4.Kairunnissa
5.Sadiq Basha
6.Sanma
7.Kadhar
8.Hameedha
9.Shameem

... Respondents/Defendants

Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 02.11.2009 made in A.S.No.60 of 2008 on the file of the Principal Subordinate Judge, Tiruvannamalai reversing the Judgment and Decree dated 28.04.2008 made in O.S.No.351 of 2004 on the file of the Principal District Munsif, Tiruvannamalai.

For Appellant : Mr.S.V.Jayaraman
for Mr.P.R.Balasubramanian

For Respondents : Mr.R.Subramanian for R1 to R3, R7 to R9
(in all the Cases) Mr.D.Arunkumar for R4 and R5.
R6 - Notice Served.

SA.No.1208 of 2010

VPM.Lal

... Appellant/1st
Defendant

Vs.

1.Kairunnisa
2.Sadhiq Basha

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3.Chotima
4.Ammaji
5.Noorjahan
6.Chanma
7.Kadar
8.Hameetha
9.Shameem

... Respondents/Defendants

Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 02.11.2009 made in A.S.No.65 of 2008 on the file of the Principal Subordinate Judge, Tiruvannamalai partly allowing the Judgment and Decree dated 28.04.2008 made in O.S.No.351 of 2004 on the file of the Principal District Munsif, Tiruvannamalai.

For Appellant : Mr.S.V.Jayaraman
for Mr.P.R.Balasubramanian

For Respondents : Mr.K.Govi Ganesan for R1 and R2
Mr.R.Subramanian for R3 to R5, R7 & R9.
R6 - Unserved.

SA.No.169 of 2010

VPM.Lal

... Appellant/1st
Defendant

1.Kairunnisa
2.Sadhiq Basha
3.Chottima
4.Ammaji
5.Noorjahan
6.Shaama
7.Kadar
8.Hameetha
9.Shameem

Vs.

... Respondents/Defendants

Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 02.11.2009 made in A.S.No.54 of 2008 on the file of the Principal Subordinate Judge, Tiruvannamalai partly allowing the Judgment and Decree dated 28.04.2008 made in O.S.No.351 of 2004 on the file of the Principal District Munsif, Tiruvannamalai.

For Appellant : Mr.S.V.Jayaraman, Senior Counsel
for Mr.P.R.Balasubramanian

For Respondents : Mr.K.Govi Ganesan for R1 and R2
Mr.R.Subramanian for R3 to R5, R7 & R9.
R6 - Notice Served.

COMMON JUDGMENT

All the three appeals are arising out of OS.351 of 2004 filed by Kairunnisa and his son Sadhiq Basha claiming partition of their 2/9th shares in the suit property. Originally, the suit was filed in respect of four items and during trial, fifth item was included. The five items in respect of which suit relief claimed are as follows :

1.Tiruvannamalai District, Tiruvannamalai Registration District is Tiruvannamalai Town, in Chinnakada Street (alias) Polur Road, S.No.109/92-5 shops மொத்த சதுரடி 658 measuring East to West 100 feet North to South 80 feet value Rs.1,90,000/-

2.Tiruvannamalai District, Tiruvannamalai Registration District in Tiruvannamalai Town, Chinnakadai Street (alies) Polur Road, T.S.No.109/92 S.No.256/4 a terraced house veering door No.44 measuring East West 50ft. North to South 35feet value.

3.Tiruvannamalai District, Tiruvannamalai Registration District Tiruvannamalai Taluk Vengikkal Village, Survey No.258/4 ப.சர்வே எண்.1913/42 செண்டும் 0.58.0 feet kist Rs.0.80 paise value Rs.30,000/-

4.Tiruvannamalai District, Tiruvannamalai Registration District in Tiruvannamalai Taluk Vengikal Village, survey No.258/1-2, 17.5 Hectare பழைய சர்வே நெ.191/3ல் 1.42 பழைய சர்வே நெ.193/1ன் 2.05 சேர்ந்து ஆக 3.47 செண்ட்டு kist Rs.3.85 along with a well and electric motor pump set value Rs.75,000/-

5. திருவண்ணாமலை டவுன் T.S.No.109/93, 109/1 வடக்கிலும் 109.94/க்கு கிழக்கிலும் 109/1-க்கு 109/92-க்கு மேற்கிலும் இ

தன் நடுவில் உள்ள 2726 ச.அடி இதன் மதிப்பு, ரூ.45,000/- amended
as per order in IA.456/07 dated 10.10.2007.

2.Out of five items, the items 1 and 2 comprised in old S.No.109/92 was Poramboke land assigned in favour of the first defendant/VPM.Lal vide Assignment order in Ex.B1/TS.No.65/78 dated 10.04.1974. As far as fifth item is concerned, the same comprised in S.No.109/93 was also poramboke land assigned in favour of VPM.Jinna/husband of the first plaintiff and father of the second plaintiff vide Ex.A5 assignment order dated 26.05.1979. As far as third item is concerned it is again shown as sub item (i) of suit 4th item and the same was admittedly purchased vide sale deed Ex.B213 dated 19.07.1969 in the name of Mariam Beevi/mother of deceased VPM.Jinna and the defendants 1 to 5 and the mother of the defendants 6 to 8 and the same was under Ex.B214 dated 11.02.2003 registered Hibba settled by the mother in favour of the first defendant/VPM.Lal. The sub item (ii) of suit item No.4 was under Ex.B221 dated 21.08.1969 purchased in the name of the father Fakir Ahamed.

3.While according to the plaintiffs 1 and 2, widow and son of the deceased brother VPM.Jinna and the sisters 2 to 4 and one of the LRs of the deceased sister, all the five suit items originally belonged to the father Fakir Ahamed having purchased out of fire works business and after his death, all the properties were succeeded by his two sons and daughters and the sons and daughters have their share in the suit properties as per law, according to the contesting first defendant/elder brother, the suit items 1 and 2, and 5 having been assigned separately in the name of brothers, other sisters have no right over the same and the suit items 1, 2 and 5 are not available for partition. It is the case of the first defendant that insofar as the third item (which is also sub item (i) of suit item No.4) is concerned the same having been settled in his name by her mother and the settlement having been duly accepted by him, the other children cannot claim any right over the same. Regarding, sub item No.(ii) of suit item 4, the same was admittedly purchased in the name of the father. However, according to the first defendant, he has been in possession and enjoyment of the same openly, continuously and uninterruptedly excluding others by putting up construction and paying taxes etc., as such others have been hence excluded from claiming any share in the same.

4.Both the parties in support of their respective claims adduced oral and documentary evidence before the trial court, the trial Court accordingly dismissed the suit in respect of items 1, 2, 3 and 5 and decreed the suit in respect of sub item No.(ii) in suit item No.4. The trial Court on the basis of the available evidence upheld the case of the first defendant in respect of items 1, 2, 3 and 5 and declined the claim for partition made by others in the same. The trial Court having negatived the claim for prescriptive title by adverse possession made by the first defendant in respect of sub item No.(ii) in suit item No.4, granted decree declaring 2/9th shares to the plaintiffs jointly and to the first defendant and 1/9th share each to the defendants 2 to 5 and 1/9 share for the defendants 6 to 8 jointly.

5.Aggrieved against the dismissal of the suit in respect of suit items 1, 2, 3 and 5, the plaintiffs 1 and 2 on one hand and the defendants 2 to 4 on the other hand filed AS.Nos.54 and 60 of 2008 and the first defendant challenging the preliminary decree granted in respect of sub items (ii) of suit item No.4 filed AS.No.65 of 2008. All the three appeals were simultaneously disposed of by the same appellate judge by separate judgment and decree dated 02.11.2009. The lower appellate Court arrived at a conclusion that items 1 to 4 and 5 originally belonged to the father Fakir Ahamed for over 40 years and Fakir Ahamed had license to run the fire works factory and the first defendant did not obtain any license to run the business in his name and the license standing in the name of Fakir Ahamed was only transferred and renewed in his name and after the demise of the father Fakir Ahamed, the first defendant as the eldest son of the family was managing the estate of the deceased Fakir Ahamed and he had no independent source of income and the improvement made over the suit properties are out of the nucleus income derived from the family business, as such, all the properties including items 1, 2 and 5 assigned in favour of the first defendant/VPM.Lal and deceased VPM.Jinna assumed the character of joint family properties and after the death of the father, the joint family properties devolved upon all his children as per law and the plaintiffs and the defendants are all co-owners and possession of the properties by one co-owner is possession of all co-owners and the right of partition of the co-owner could not be relinquished or destroyed or renounced and the same was never abandoned by other co-owners, as such, the plea of prescriptive title by adverse possession and ouster is not available to one of the

co-owners and all the members in the joint family are entitled to their legitimate shares in all the properties. The lower appellate court on the basis of such findings decreed the suit in respect of all the items. Aggrieved against the same, the first defendant has come forward with the present three appeals.

6.While SA.Nos.117 and 1208 of 2010 are admitted on the following substantial questions of law, the same substantial questions of law are adopted in SA.No.169 of 2010 :

SA.No.117 of 2010

1.Whether the concept of joint family is unknown to Mohammadian law whether such a principle can be applied to the present suit?

2.When the plaintiffs had given up their claim in respect of suit item No.3, whether it is proper to grant a decree in respect of the given up item?

3.Whether long continuous, exclusive possession of one co-owner, coupled with his acts of digging well and construction of pucca buildings and fencing to the knowledge of other co-owners amount to ouster?

4.Whether a suit for partition would lie in respect of lands assigned by the Government to the appellant herein?

SA.No.1208 of 2010

1.Whether the concept of joint family is unknown to Mohammadian law whether such a principle can be applied to the present suit?

2.Whether long continuous, exclusive possession of one co-owner, coupled with his acts of digging well and construction of pucca buildings and fencing to the knowledge of other co-owners amount to ouster?

7.Heard the rival submissions made on both sides and perused the records.

8.As already stated, the suit relief for partition of 2/9th shares sought for is in respect of 5 items out of which, the claim for partition in respect of suit item 3 which is again shown as sub item (i) of suit item 4 i.e. land in vengikal village measuring 1.42cents in old S.No.191/3 new S.No.256/4 measuring 0.59.0hectares is given up by the plaintiffs 1 and 2 and the defendants 2 to 4 as appellants in AS.No.54 and 60 of 2008. Though the lower appellate Court in para 15 of its

judgments in AS.Nos.54, 60 and 65 of 2008 made it clear that it is not necessary to discuss elaborately with regard to ancestral title of suit item No.3, the lower appellate Court while granting the decree, decreed the suit in respect of suit item No.3 also shown as sub item No.(i) of suit item No.4 and the preliminary decree for partition is respect of that item is hence liable to be set aside.

9. The remaining items in respect of which the dispute raised are items 1, 2, sub item No.(ii) of suit item No.4 and item No.5. Among the four items, sub item No.(ii) in suit item No.4 was purchased in the name of father Fakir Ahamed vide Ex.B221/sale deed dated 21.08.1969. The suit items 1 and 2 are admittedly the subject matter of Ex.B1/Assignment order dated 10.04.1974 granted by the Government in favour of the first defendant and 5th item is also admittedly the subject matter of Ex.A5/Assignment order dated 26.05.1979 granted by the Government in favour of deceased VPM.Jinna. As far as items 1 and 2 are concerned it is nowhere pleaded either in the plaint or in the written statement filed by the fourth defendant adopted by other defendants 2, 3, and 6 to the effect that the same though assigned in the name of the first defendant forms part of joint family property. The lower appellate Court treated the suit items 1 and 2 as joint family properties based on the alleged admission of the first defendant in his written statement to the effect that the item No.5 assigned in favour of VPM.Jinna also forms part of joint family property and the same should be included in the partition among the legal heirs of the deceased Fakir Ahamed. The lower appellate Court observed that the same principle would be applicable to the suit items 1 and 2 assigned in favour of first defendant. The second reason given in the judgment for denying the independent title of the first defendant in respect of items 1 and 2 is the admission made by the first defendant as DW1 in the witness box that he never purchased any property from and out of his self earning and the shops were put up by his father during his lifetime. The third reason for denying the first defendant's title for suit items 1 and 2 is that issuance of patta and entry made in the revenue records shall not be decisive or conclusive to assess the nature of the property and status of the parties and patta is issued only to enable the Government to collect the revenue from the persons who is in enjoyment and possession of the property and the right title and interest as to the property should be established dehors the entires in the revenue records. The lower appellate Court rendered such specific findings based on

the decisions of the Hon'ble Supreme Court referred to therein. This Court has no quarrel with regard to the legal proposition laid down by the Supreme Court, however, the same is not applicable to the facts of the present case for the following reasons.

10. As far as items 1 and 2 are concerned, neither the plaintiffs nor the defendants 2 to 4 and 6 have either in the plaint or in the written statement admitted the assignment in the name of the first defendant. The plaint simply proceeds that all the properties belonged to the father Fakir Ahamed and after his death, they were inherited by the children. It is not even stated in the plaint that it was the father who was doing fire work business and the properties were purchased from and out of the income derived from the firework business and after his death the firework factory was jointly carried on by the brothers for themselves and on behalf of the sisters. It is also not stated so in the written statement filed by the fourth defendant adopted by the defendants 2, 3, and 6. The additional pleadings raised by the fourth defendant is that the father Fakir Ahamed was doing firework business and earned lot of income and out of his self earning, father purchased the properties and after the death of the father, the estate devolved upon his legal heirs and the firework business was carried on by his two sons. Thus there is absolutely no pleadings either in the plaint or in the written statement filed by the 4th defendant adopted by the defendants 2, 3 and 6, regarding the joint family nature of suit items 1, 2 and 5 and the circumstances under which the suit items 1, 2, and 5 were assigned in the name of the first defendant and the deceased VPM.Jinna.

11. No oral and documentary evidence is also adduced by the plaintiffs in respect of items 1, 2 and 5. The witnesses examined on the side of the plaintiffs are the second plaintiff/Sadiq Basha and Jabar/the first cousin of the first plaintiff. As far as PW1 is concerned he was on the date of institution of the suit in 2002 aged about 22 years and he was on the date of his examination as PW1 claimed to be 26years. That means, he was on the date of assignment orders, not born and whatever the evidence given by him is not based on direct knowledge. The first plaintiff/mother for the reasons best known to her did not enter into the witness box. Neither of the defendants 2 to 4 and 6, who filed the written statement got into the witness box to speak about their case. As a matter of

fact, PW1 did not depose anything about the assignment in the name of the first defendant and in the name of his father in respect of suit items 1, 2 and 5 and the circumstances under which the assignment is made etc., Except denying the independent title set up by the first defendant in item Nos.1 and 2, PW1 mentioned nothing about the suit item No.5. He referred to the item No.5 only in his additional proof affidavit. It is admitted by him in the same proof affidavit that item No.5 was after the death of his father sub-divided in his name and in the name of his sister. It is only in the course of his cross examination he further deposed that all the five shops are put up by his grand father at his own expenses.

12.As far as PW2 is concerned his evidence is of no help to the case of the plaintiffs. It is stated by him in his proof affidavit that items 1 and 2 were assigned in favour of the first defendant and item No.1 assigned in the name of the first defendant and item 2 was assigned in the name of Mohammed Jinna. It is deposed by him in the course of his cross examination that both items 1 and 2 are forming part of the same property. It is deposed by him during 2007 that he was in abroad for more than 10 years and he returned to India only 20 years back. It is further deposed by him that item No.1 consisting of five shops was assigned in the name of the first defendant and the first defendant has been collecting rents for four shops and fire work business is being carried on in the fifth shop.

13.Insofar as his plea of assignment regarding items 1 and 2 in the name of Lal and Jinna is concerned, the same is belied by the assignment orders. While Ex.A5/Assignment order in the name of Jinna is in respect of 2726sq.ft in TS.No.109/93 which is suit item No.5, Ex.B1/Assignment in the name of the first defendant is measuring 2670sq.ft in S.No.109/92, which is described as items 1 and 2 herein. Exs.A5 and B1 assignments would falsify the case of PW1 and PW2 that suit items 1 and 2 were assigned in the name of the first defendant and deceased Jinna respectively. The assignment orders above referred to would prove that properties 1 and 2 of suit items comprised in same survey number were assigned in favour of the first defendant and suit item No.5 comprised in same survey number is assigned in the name of Jinna. As already stated there is absolutely no pleadings or proof to show that the assignment were made in the name of the brothers individually for the benefit of the family. It is also not pleaded or proved that the brothers after the assignment in their favour at different

point of time treated the same as joint family properties. Absolutely there is no pleading and proof that the consideration for assignment was paid by the father from and out of the family business, if any.

14. On the other hand, PW1 would admit that item No.5 after the death of his father was sub divided in his name and his sister name. As far as items 1 and 2 are concerned Ex.B2/permission for construction issued by Municipality in S.No.109/92 and other tax receipts produced in respect of items 1 and 2 in the name of the first defendant/VPM.Lal would go to show that the properties had been treated only as separate properties of the brothers.

15. Regarding the alleged admission of the first defendant in his additional written statement and his evidence as referred to in the lower court judgment, there is absolutely no such admission made by the defendant. The first defendant has in his written statement specifically pleaded that item No.5 assigned in favour of Jinna is wrongly included in the suit for partition and no admission was made by him as DW1 in the witness box in respect of suit item Nos.1, 2 and 5. That being so, the reasoning of the lower appellate court for holding the same as joint family property, as discussed above is based on no evidence but only by misconstruing the evidence of DW1 and by misreading the pleading raised by the parties and by overlooking the absence of pleadings and proof, either by the plaintiffs or by the contesting defendants 2, 3, 4 and 6. The findings rendered by the lower appellate Court appears to be out of pleadings and proof. As rightly argued by the learned counsel for the first defendant/appellant, such findings by the lower appellate Court are hence perverse and are legally unsustainable.

16. The same reasoning is applicable to suit item No.5 assigned in the name of Jinna/deceased husband of the first plaintiff. Here again, the lower appellate Court failed to consider that the first plaintiff did not get into the witness box and the second plaintiff was not at all born during the relevant point of time and was minor during the lifetime of his father and had no direct knowledge anything about the assignment and the manner of enjoyment of the property and the evidence of PW2 is also so vague and bald. There was also no pleading and proof by the defendants 2, 3, 4 and 6 in respect of suit item No.1, 2 and 5.

17.It is relevant to point out at this juncture, originally item No.5 was not included in the suit schedule and the same was included only after part of the cross examination of first defendant/DW1. Even after amendment by including the suit item No.5 the plaint averments were not suitably amended. It is nowhere stated in the plaint regarding the nature of the claim made in respect of suit item No.5. No additional reply or written statement was also filed in this regard. As such, the reasoning applicable to suit item Nos.1 and 2 is also applicable to suit item No.5 and as the same originally assigned in favour of deceased Jinna, his legal heirs are entitled to the same and the same is not available for partition as such, the findings of the lower appellate Court in this regard is also perverse and warrants interference.

18.Regarding the finding of the lower appellate Court, that all the properties were acquired from and out of the income of the firework business, as already stated, it is not pleaded so by the plaintiffs. It is nowhere stated in the plaint that the firework business was carried out by Fakir Ahamed and the properties were purchased from and out of the income derived from the same. The plaint proceeds that the first defendant and the deceased Jinna were carrying on firework business on partnership basis and after the death of Jinna, the first defendant denied his partnership in the business. Except stating that all the properties belonged to Fakir Ahamed, the manner of acquiring the same was neither pleaded or deposed by either PW1 or PW2. As far as the plea raised in the written statement filed by the defendants 2 to 4 and 6 is concerned, the same is to the effect that the father was carrying on business and the properties were purchased from the income derived from the business and the brothers carried on the same. However, none of defendants 2 to 4 and 6 entered into the witness box and deposed so. Further no document was produced on the plaintiff side or on the side of the defendants 2 to 4 and 6 to substantiate the same. In the absence of one such case pleaded and proved, the finding of the lower appellate Court regarding the ownership of the business and acquisition of properties from the income derived from the same is baseless and perverse and cannot be allowed to sustain in respect of other items except sub item No.(ii) in suit item No.4, which admittedly stood in the name of father.

19.As far as DW1 is concerned he admitted that the father carried on the firework business along with one Veerasamy and the firework business carried on by the father was transferred in his name and he continued to run the same by obtaining renewal of license. But it is his further case that the first defendant has obtained separate license in his name and has been carrying on the business separately. As a matter of fact, the license stood in the name of father Fakir Ahamed was only till 1975 and thereafter the same was in the name of first defendant.

20.It is pertinent to mention at this juncture that the relief of partition was sought for only in respect of the shops in one of which firework business was being carried on and no relief is sought for in respect of firework business either by the plaintiffs on the strength of so called partnership business of Lal and Jinna or by the defendants 2 to 4 and 6 on the ground that the business belong to the father. The failure to seek any relief in respect of the business would speak for itself. In the absence of any relief sought for in respect of the business the finding of the lower appellate Court that all the properties were acquired out of the business carried on by the father is totally contrary to the evidence, as such, the relief for partition in respect of item Nos.1, 2 and 5 is hence liable to be set aside.

21.The remaining item to be considered herein is sub item No.(ii) in suit item No.4 i.e., measuring 2.05cents in old S.No.193/1 presently forming part of dry S.No.258/1. It is true that the same was purchased vide Ex.B221/sale deed dated 21.08.1969. The first defendant in his written statement would say that in suit item No.4 he made improvements by putting up terrace, house, borewell, fencing around the property and by putting gate spending huge amount and has been in long, open, continuous, uninterrupted possession and enjoyment of the property for more than the statutory period excluding others and ousted others of their legitimate shares and prescribed title by adverse possession. However, it is not stated in the written statement or in the additional written statement that it was adverse to the knowledge of other sharers. As the property is admittedly not income earning property, the question of non participation in the income by other co-sharers does not arise herein. As far as enjoyment of the property is concerned, the question of joint possession by the married brothers and sisters in the same property also does not arise herein. The first defendant as DW1 in the witness box has stated that he denied

the others' share not because they do not have any share in the same but they approached the Court for partition relief.

22.As such, his possession of item No.4 can be easily held to be for himself and on behalf of other brothers and sisters and there is no reason for him to deny the right of the legal heirs of the deceased brother and other sisters for their legitimate share in the father's property.

23.As a matter of fact, the learned counsel for the appellant in the course of his argument would submit that SA.No.1208 of 2010 which is against the judgment and decree made in AS.No.65 of 2008 in respect of sub item No.2 in suit item No.4 is not seriously contested.

24.The learned counsel for the respondents would at this juncture rely on the following authorities for the legal proposition that the joint family concept is not known to the Mohamed law and the grant in favour of the sons is to be treated as for the benefit of family. (i)44 MLJ 545 Privy council - Musammatt Bahu Rani and others V. Thakur Rajendra Bakhsh singh; (ii)AIR 1931 Madras 553 - Saudagar Muhammad Abdul Rahim Baig Saheb V. Saudagar Muhammad Abdul Hakim Baig Saheb and others; and (iii)AIR 1983 Madras 123 - Mohammed Ismail and another V. Khadirsa Rowther and others.

25.It may be true that our High Court has in the judgments above cited was of the view that the joint family concept can be imported to Mahomedan family and there is nothing contrary to law in Mahomedan adult members of a family carrying on such a family trade for the benefit of all the members of the family including the minor and the females and the Courts will therefore uphold it and such legal consequences as in law flow from it. Although the Court will not import into it all the legal consequences which would flow from such a family trade when it is conducted by Hindu joint family property or all the legal consequences of a lawful partnership the eldest son who has been carrying on trade of his deceased father for the benefit of family stand in fiduciary relation to other family members and is liable to account for profits.

26.Though this Court has no quarrel with such legal proposition, the same is not applicable to the facts of the present case, for the reason that it is not specifically pleaded and proved that it was a family trade originally carried on by

the father and thereafter carried on by the brothers jointly for the benefit of all. This is not the suit for share in the profits of the business which is still carried on. It is also not clearly pleaded and made out that the acquisition in the individual names is made out of surplus income either from the family property or from the family business. As such, the plea raised on the side of the respondents based on the decisions cited above is hence sustainable. The substantial questions of law are accordingly answered in favour of the first defendant.

27. In the result, the second appeals are allowed by setting aside the judgment and decree of the lower appellate Court and by restoring the trial Court judgment and decree in respect of sub item No.(ii) in suit schedule item No.4, landed property measuring 2.05cents in S.No.193/1 and the preliminary decree is granted for 2/9th share of the plaintiffs jointly and the first defendant and 1/9 share of the defendants 2 to 5 each and 1/9 share of the defendants 6 to 8 jointly in respect of the same and the suit is dismissed in respect of items 1, 2, 3, (sub item No.(i) of suit item No.4) and 5. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tsh

To

1.The Principal Subordinate Judge,
Tiruvannamalai.

2.The Principal District Munsif,
Tiruvannamalai.

+3cc's to Mr.K.Govi Ganesan, Advocate, S.R.No.41166 to 41168

+3cc's to Mr.R.Subramanian, Advocate, S.R.No.41149 to 41151

+3cc's to Mr.P.R.Balasubramanian, Advocate, S.R.No.41082 & 41083

SA.Nos.117, 1208 and 169 of 2010

TEJ(CO)
CA(08/12/2015)