



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.04.2017

CORAM

WEB COPY

The HONOURABLE MR.JUSTICE N.SESHASAYEE

S.A.(MD)No.200 of 2017

and

C.M.P.(MD)No.3836 of 2017

1.R.Santhanakrishnan

2.Kalaiselvi

... Appellants/Defendants

Vs.

R.Annadurai

... Respondent/Plaintiff

Prayer:- Second Appeal has been filed under Section 100 of Civil Procedure Code against the judgment and decree passed in A.S.No.24 of 2015 on the file of the District Court, Sivagangai, dated 22.12.2016 confirming the judgment and decree in O.S.No.66 of 2012 on the file of the Sub-Court, Sivagangai, dated 26.08.2015.

For Appellants : Mr. N.GA. Nataraj

JUDGMENT

This Second Appeal has been filed against the judgment and decree passed in A.S.No.24 of 2015, on the file of the District Court, Sivagangai, dated, 22.12.2016, confirming the judgment and decree in O.S.No.66 of 2012, on the file of the Sub-Court, Sivagangai, dated 26.08.2015.

2. The defendant in a suit for declaration of title has come forward with this Second Appeal.

3. The case of the plaintiff is that the suit property originally belonged to one Neelamegam, which he purchased some time in the year 1981 under Ex.A5 and thereafter, in 1963 under Ex.A10, Widow Angamuthuammal had settled the property in favour of her daughter, who in turn had settled the property in favour of the plaintiff. On the strength of the settlement deed, the plaintiff had sought for declaration of title against his brother who is the appellant herein.



4. The defence of the defendants is that the suit property is an ancestral joint family property. It is an admitted fact that the property has come to the hands of the Angamuthuammal and then to the daughter and then to the plaintiff. Admittedly, the property has not been inherited through the paternal sides of the parties. Any property which is inherited or obtained under any documents of settlement cannot pass the definition of ancestor property. Hence, I do not find any merits in this Second Appeal and hence, this Second Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

1. The District Judge, Sivagangai.
2. The Subordinate Judge, Sivagangai.

+1 CC to M/s.N.GA.NATRAJ, Advocate, SR No. 54009.

TRP

PSM/JC/SAR3/10.07.2017/2P/4C

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