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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :28.08.2018

PRONOUNCED ON:17.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

S.A.No.220 of 2015
and
C.M.P.No.14602 of 2018
&
M.P.No.1 of 2015

Panneer

... Appellant/Defendant

Vs.

1.Anjalai (Deceased)
Represented by her
Power Agent, Jayakumar

2.K.Pattu

3.J.Kullan

4.Vannichiammal

[RR2 to R4 brought on record as LRs
of the deceased sole respondent
vide order of the court dated
26.02.2018 made in CMP.No.10779
of 2018 made in S.A.No.220 of 2015]

... Respondents/Plaintiff

Prayer: Second Appeal filed under Section 100 of C.P.C., against the judgment and Decree passed in A.S.No.22 of 2012 dated 12.08.2014 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai in reversing the judgment and decree passed in O.S.No.98 of 2008 dated 30.01.2012 on the file of the Court of District Munsif, Sirkali.



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For Appellant : Mr.A.Muthukumar

For Respondents : Mr.S.Sounthar

J U D G M E N T

Challenge in this Second Appeal is made to the judgment and Decree dated 12.08.2014 passed in A.S.No.22 of 2012 on the file of the Court of Principal Subordinate Court, Mayiladuthurai reversing the judgment and decree dated 30.01.2012 passed in O.S.No.98 of 2008 on the file of the Court of District Munsif, Sirkali.

2. The parties are referred to as per the rankings in the trial court.

3. Suit for permanent injunction.

4.The case of the plaintiff in brief is that the suit property belong to the plaintiff and in her possession and enjoyment and recognizing her title, possession and enjoyment, the Government had granted patta in favour of the plaintiff in respect of the suit property and the plaintiff is residing with her son Kullan in her son's residence and the suit property is lying contiguous to the house of the plaintiff's son as a site on the northern side and to the north of the suit property, the defendant's house and backyard is located and the plaintiff has filed a plan along with the plaint and in the plan, the suit property has been shown as "ABCD" and dividing the suit property and the defendant's property, survey stones are available, however there is no fencing between the suit property and the defendant's property and taking advantage of the same, the defendant had attempted to trespass and encroach into the suit property with his men and money power and left with no other alternative, according to the plaintiff, she has been necessitated to lay the suit for appropriate reliefs.

5.The case of the defendant in brief is that the suit laid by the plaintiff is not maintainable either in law or on facts. It is false to state that the suit property belongs to the plaintiff and the same is in her possession and enjoyment. The abovesaid facts are stoutly disputed. On the other hand, the suit property has been in the possession and enjoyment of the defendant right from 1994 onwards and it is false to state that the Government had granted patta in respect of the suit property and the patta projected by the plaintiff does not relate to the suit



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property. The plaintiff is residing with her son and it is true that the suit property lies on the southern side of the defendant's house and the suit property originally belonged to one Chinnathambi and the said Chinnathambi purchased the suit property on 14.07.1945 from Nagapillai and after his demise, the suit property was enjoyed by his legal heirs and the defendant had purchased the suit property from the legal heirs of Chinnathambi and with reference to the same, a sale agreement had been entered into on 30.06.2007 and the suit property had been entrusted with the possession and enjoyment of the defendant pursuant to the sale agreement and accordingly, the defendant had been enjoying the suit property along with his property lying on the northern side and following the sale agreement, the defendant had purchased the suit property by way of a registered sale deed from the legal heirs of Chinnathambi on 20.06.2008 and enjoying the suit property as the absolute owner thereof and it is false to state that survey stones are available between the suit property and the defendant's property and it is false to state that the defendant has been attempting to trespass and encroach into the suit property unlawfully. The plaintiff has no cause of action and the suit property has not been properly described and the particulars of the suit property given in the plaint are incorrect. The plaintiff is not entitled to obtain the relief sought for and hence the suit is liable to be dismissed.

6. In support of the plaintiff's case, P.Ws.1 to 3 were examined. Exs.A1 to A7 were marked. On the side of the defendant, D.Ws.1 to 5 were examined. Exs.B1 to B20 were marked.

7. On a consideration of the oral and documentary evidence adduced by the respective parties and the submissions made, the trial court was pleased to dismiss the suit. On appeal, the first appellate court was pleased to set aside the judgment and decree of the trial court and by way of allowing the appeal preferred by the plaintiff, decreed the suit as prayed for. Aggrieved over the same, the present Second Appeal has been laid.

8. At the time of admission of the second appeal the following substantial questions of law were formulated for consideration.

(a) When the plaintiff has not produced any title deeds to the suit property and the defendant denied her title and set up title in himself,



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whether the Lower Appellate Court erred in law in ignoring the findings of the Trial Court that the suit is bad for want of a prayer for declaration of title?

(b) Whether the judgment and decree of the Lower Appellate Court are vitiated in law for setting aside the judgment and decree of the Trial Court without setting aside the finding with respect to maintainability of the suit?

(c) When the plaintiff has no answer for Ex.B1 and she does not trace her title under any registered instrument, whether the Lower Appellate Court erred in law in granting the decree for injunction ignoring the settled principle of law that no injunction can be granted against the true owner?

(d) Whether the plaintiff could succeed on the basis of Ex.A1 alone when the defendant had produced his parent title deed as Ex.B1 and the plaintiff had not denied the same.

9. The plaintiff claims title to the suit property based on the patta, said to have been granted in her favour by the Government. According to the plaintiff, as averred in the plaint, recognizing her title, possession and enjoyment of the suit property, the Government had granted patta in her favour. The said patta has been marked as Ex.A1. According to the plaintiff, the defendant without any authority, is attempting to interfere with her possession and enjoyment of the suit property and tried to encroach into the suit property unlawfully and hence it is stated that the plaintiff had been necessitated to lay the suit for appropriate relief.

10. It is the case of the plaintiff that she is residing with her son Kullan. It is not in dispute that to the north of the suit property, the defendant's house and backyard is located. Similarly, it is not in dispute that to the south of the suit property, the house property of the plaintiff's son is located. The suit property is stated to be a natham site bounded within the specific boundaries measuring an extent of 175 Sq.m shown as "ABCD"



in the plaint plan and it is stated to be, during the course of evidence, of 4 cents.

11. The defendant had disputed the claim of the plaintiff as having title to the suit property stoutly. According to the defendant, the plaintiff has no title, possession and enjoyment of the suit property and it is contended by the defendant that the plaintiff has laid a false case claiming as if she has title to the suit property without any basis. Further, it is also stated by the defendant that the claim of the plaintiff that the Government had granted patta in respect of the suit property recognizing her title, possession and enjoyment is false and according to the defendant, the patta projected by the plaintiff does not relate to the suit property. On the other hand, the defendant had set up title on himself in respect of the suit property and according to the defendant, he had purchased the suit property from the legal heirs of Chinnathambi by way of a registered sale deed dated 20.06.2008 and enjoying the same, as part and parcel of his other property lying on the northern side. Further according to the defendant, prior to the abovesaid sale deed, a sale agreement had been entered into in respect of the suit property on 30.06.2007 and since then and even from 1994 onwards, the suit property has been in his possession and enjoyment. Thus the defendant has taken the defence that the plaintiff is not entitled to obtain the relief sought for in respect of the suit property.

12. As rightly found by the trial court, it is seen that the defendant had repudiated the plaintiff's claim of title to the suit property tooth and nail. Despite the same, the plaintiff has not endeavoured to seek the relief of declaration of title in respect of the suit property. Once the defendant had repudiated the claim of title of the plaintiff in respect of the suit property and as far as the case is concerned, he had set up the title on himself by projecting that he had purchased the suit property by way of a registered sale deed and thereby challenged the plaintiff's claim of title to the suit property in toto and also as rightly put forth by the defendant's counsel, in the light of the abovesaid position, considering the fact that the plaintiff's title to the suit property is in dispute or under cloud and equally when the defendant had asserted title to the suit property and the plaintiff has also apprehended that by way of the same, the defendant is attempting to threaten her possession and enjoyment of the suit property, in such view of the matter, in the light of the decision of the apex court reported in 2009 (2) LW 546 [Anathulal Sudhakar Vs. P.Puchi Reddy (Dead) By Lrs & Ors], the plaintiff should have sought for the relief of



also buttress her claim of possession and enjoyment of the suit property and accordingly, upheld the plaintiff's suit and thereby set aside the judgment and decree of the trial court.

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15. The genuineness of the patta projected by the plaintiff marked as Ex.A1 is disputed by the defendant. Despite the same, the plaintiff has not endeavored to establish that the Government had granted the abovesaid patta in her favour only after making due inquiries with reference to her claim of title, possession and enjoyment of the suit property. On a perusal of Ex.A1, it is found to be a Thoraya patta. Further, on a perusal of the contents found on the reverse side of the abovesaid patta Ex.A1, it is seen that the same appears to be a notice to one and all inviting their objections as regards the move of the Government to grant the patta in favour of the plaintiff in respect of the suit property. Thus, Ex.A1 patta projected by the plaintiff cannot be termed to be a regular patta issued by the Government recognizing the claim of the plaintiff's title, possession and enjoyment of the suit property. The said patta being only a rough patta and Ex.A1 is in the nature of a notice inviting all those interested in the suit property to put forth their objections as regards the endeavor of the Government to grant patta in favour of the plaintiff with reference to the same, in such view of the matter, the plaintiff basing her claim upon the said patta, should establish that the Government had issued notice to all concerned before issuing the patta in favour of the plaintiff. Now, the defendant sets forth a rival claim of title to the suit property. It has not been established by the plaintiff that the notice had been sent to the defendant as regards the grant of patta in her favour by the Government. Even for the sake of arguments that notice had been sent to one and all as regards the endeavor to grant patta in favour of the plaintiff in respect of the suit property, when it is seen that Ex.A1 patta is only a Thoraya patta or a rough patta and when the plaintiff has not placed any further material, as to whether following the same, the Government had issued a regular patta in her favour in respect of the suit property, it is seen that based on the Thoraya patta or rough patta, the plaintiff cannot be allowed to seek a valid claim of title to the suit property as claimed in the plaint. In the decision reported in 2017 SCC online Madras 3010 [Ramuthayee @ Mookammal and others Vs. Lakshmanaperumal @ Lakshmanan], this court had taken a view that Thoraya patta cannot be the basis for the grant of title to a person in respect of the suit property. Thus, when it is noted that the patta itself cannot be considered as a document of title, it does not stand reason as to how



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the first appellate court has proceeded to hold that by way of Ex.A1 rough patta, the plaintiff has established her claim of title to the suit property. Even assuming for the sake of arguments, the suit property is a Natham Jaari Manai, when Ex.A1 patta is found to be not a regular patta, but only a Thoraya patta or rough patta and the same appears to be only a notice to all concerned to project their objections with reference to the claim of patta by the plaintiff to the suit property and when there is no material placed by the plaintiff that following the same, she had been granted a regular patta by the Government in respect of the suit property. In my considered opinion, based on Ex.A1 rough patta, the plaintiff cannot seek the claim of title to the suit property.

16. The first appellate court appears to have placed reliance upon the house tax receipts projected by the plaintiff marked as Exs.A2 to A6. As rightly determined by the trial court, in the description of the suit property, there is no reference about any superstructure lying in the suit property. On a perusal of the description of the suit property as found in the plaint, the same appears to be only a vacant site. If really, the house is located in the suit property, the plaintiff would have included the house also in the description of the suit property by giving the door number of the same for sustaining her claim of possession and enjoyment of the suit property. Though in the plaint plan, the "ABCD" portion is shown as the suit property and in the same house is also mentioned, however, in the plaint description of the suit property, there is no reference about any house being located in the suit property as such, it is thus found that the plaintiff's claim that she had put up a thatched house in the suit property, as such, cannot be readily accepted. If really the thatched house or any other superstructure is lying in the suit property or had been lying in the suit property, the plaintiff would have given the particulars of the same, particularly, the door number assigned to the said superstructure. Now, coming to the house tax receipts projected by the plaintiff, the plaintiff's power agent examined as P.W.1 has admitted during the course of cross examination that the house tax receipts marked as Ex.A2, A4, A5 and A6 do not bear any door number. That apart, it is also noted that Exs.A5 and A6 have emanated after the institution of the suit. Now, according to the plaintiff, she has been residing in her son's house located on the southern side of the suit property. Such being the position, it does not stand to reason as to how the plaintiff claims that the house tax receipts projected by her and marked as Exs.A2 to A6 relate to the suit property. Though, P.W.1 would claim



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that the suit property has been described in the plaint by showing the house also, however the position is otherwise. Further on being confronted with the door number of the house stated to be in the suit property P.W.1 would answer that there is no door number as there is no door at all available in the suit property. Accordingly, it is seen that the case has been projected during the course of evidence, as if the thatched house put up in the suit property had become ruined and dilapidated and accordingly, it is stated that there is no door number for the house available in the suit property. However in the plaint, there is no averment made by the plaintiff that she had put up a thatched house in the suit property and the same became ruined and dilapidated. As regards the above position, the plaintiff had not averred as to when the thatched house had been put up in the suit property, when it became ruined and got dilapidated etc., and when with reference to the availability of the superstructure in the suit property, there is no plea at all made by the plaintiff in the plaint and when there is no material placed by the plaintiff to hold that the house tax receipts projected by her relate to the superstructure said to be lying in the suit property, it is found that Exs.A2 to A6 would be of use to sustain the plaintiff's case.

17. The plaintiff in her plaint has very vaguely stated that she has title to the suit property, however, the plaintiff has not placed as to how she had secured title to the suit property whether ancestrally or by way of purchase or by any other mode. But, during the course of evidence, P.W.1 would claim that the suit property belonged to the plaintiff ancestrally. But, he is unable to give any further particulars as to how the same belonged to the plaintiff ancestrally. Thus, it is found that the best person to speak about the trace of title to the suit property would only be the plaintiff. The plaintiff has laid the suit only through her power agent Jayakumar who is stated to be her grandson. When the grandson Jayakumar examined as P.W.1 is unable to trace the plaintiff's claim of title to the suit property and also unable to establish her claim of title and her possession and enjoyment of the suit property, as rightly put forth by the defendant's counsel, the plaintiff should have endeavored to come forward to adduce evidence in support of her claim of title, possession and enjoyment of the suit property. However, for the reasons best known to the plaintiff, she has not chosen to enter into the witness box. Though P.W.1 would claim that the plaintiff is unable to appear in the Court on account of her leg injury and taking treatment for the same, as rightly put forth by the defendant's counsel, even then, when it is found that the plaintiff could have



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been examined in support of her case on commission and when the plaintiff is the best person and the competent witness to depose about her claim of title, possession and enjoyment of the suit property, particularly, when P.W.1 is unable to throw any light on the above aspects, in a clear and correct manner, it is seen that the plaintiff having failed to come forward to depose in support of her case, and does not offer herself to be cross examined by the opponent party, the presumption has to be taken that the case set up by her is incorrect and not true and the position of law as regards the above point has been elucidated by the Apex Court in the decision reported in AIR 1999 Supreme Court 1441 [Vidhyadhar Vs. Mankikrao and another] as follows:

(A) Evidence Act (1 of 1872), S.114 - Adverse inference - Party to suit - Not entering the witness box - Give rise to inference adverse against him.

"Where a party to the suit does not appear into the witness box and states his own case on oath and does not offer himself to be cross examined by the other side, a presumption would arise that the case set up by him is not correct. In the instant case defendant No.1 alleged that the sale deed executed by defendant No.2 in favour of the plaintiff, was fictitious and the whole transaction was a bogus transactions as only Rs.500/- were paid as sale consideration to defendant No.2. But this plea was not supported by defendant No.1 as he did not enter into the witness box. He did not state the facts pleaded in the written statement on oath in the trial Court and avoided the witness box so that he may not be cross examined. This, by itself, is enough to reject the claim that the transaction of sale between defendant No.2 and the plaintiff was a bogus transaction.

15.It was defendant No.1 who contended that the sale deed, executed by defendant No.2 in favour of the plaintiff, was fictitious and the whole transaction was a bogus transaction as only Rs.500/-were paid as sale consideration to defendant No.2. He further claimed that payment of Rs.4,500/- to defendant No.2 at his home before the registration of the deed was wholly incorrect. This pleas was not supported by defendant No.1 as he did not enter into the witness box. He did not State the facts pleaded in the written statement on oath in the trial Court and avoided the witness box so that he may not be cross examined. This, by itself, is enough to reject the claim that the transaction of sale between defendant No.2 and the plaintiff was a bogus transaction.



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16. Where a party to the suit does not appear into the witness box and states his own case on oath and does not offer himself to be cross examined by the other side, a presumption would arise that the case set up by him is not correct as has been held in a series of decisions passed by various High Courts and the Privy Council beginning from the decision in Sardar Gurbaksha Singh V. Gurdial Singh, AIR 1927 PC 230. This was followed by the Lahore High Court in Kirpa Singh V. Ajaipal Singh, AIR 1930 Lahore 1 and the Bombay High Court in Martand Pandharinath Chaudhari V. Radhabai Krishnarao Deshmukh, AIR 1931 Bombay 97. The Madhya Pradesh High Court in Gulla Kharagjit Carpenter V. Narasingh Nandkishore Rawat, AIR 1970 Madh Pra 225, also followed the Privy Council decision in Sardar Gurbaksh Singh's case (AIR 1927 PC 230) (supra). The Allahabad High Court in Arjun Singh v. Virender Nath, AIR 1971 Allahabad 29 held that if a party abstains from entering the witness box, it would give rise to an interference adverse against him. Similarly, a Division Bench of the Punjab and Haryana High Court in Bhagwan Dass v. Bhishan Chand, AIR 1974 Punj and Hasr 7, drew a presumption under section 114 of the Evidence Act against a party who did not enter into the witness box."

18. Thus, it is found that the plaintiff has no title to the suit property and the same is not in her possession and enjoyment as projected in the plaint and the patta projected by the plaintiff is also not validly issued in favour of the plaintiff recognizing her title, possession and enjoyment of the suit property and furthermore, when Ex.A1 patta is only a rough patta and when the plaintiff has failed to come forward to explain as to whether a regular patta had been issued in her favour following Ex.A1 and when P.W.1 is unable to throw any right on the abovesaid aspects of the matter, it is seen that the plaintiff's suit has to fail in toto and in such view of the matter, the first appellate court appear to have upheld the plaintiff's case, mainly focusing on the defects in the defence version and thereby seem to have upheld that plaintiff's suit. However, the abovesaid approach of the first appellate court does not merit acceptance and also cannot be sustained in the eyes of law.

19. As could be seen from the patta projected by the plaintiff Ex.A1 the old survey number of the suit property is 533/9A. Now according to the defendant, the suit property originally belonged to Chinnathambi, he having purchased the same from one Nagapillai by way of a registered sale deed dated 14.07.1945 and the abovesaid sale deed has come to be marked as Ex.B1. The first appellate court on the footing that the survey number



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mentioned in Ex.B1 does not relate to the suit property, accordingly, refused to accept the defence claim of title to the suit property as projected in the written statement. Now, according to the first appellate court, the survey number found in Ex.B1 is only 539/90 and not 533/9A as claimed by the defendant and accordingly further holding that the abovesaid sale deed pertains to an extent of 8 cents within specific boundaries and as the boundaries mentioned in Ex.B1 are not similar to the boundaries described in the plaint and the suit property is only an extent of 4 cents, on that footing, proceeded to hold that the defendant has failed to establish that Ex.B1 relates only to the suit property. However, on a perusal of Ex.B1, it is evident that the same relates to the property comprised in suit survey No.533/9A as contended by the defendant's counsel and it is found that in Ex.A1, the letter "A" has been stylishly written and on account of the folding of the abovesaid sale deed, the letter "A" appears to be "O" and accordingly on that premise, it is seen that the first appellate court proceeded to hold that the property referred to Ex.B1 does not relate to the property comprised in 533/9A. Further the reasoning of the first appellate court that the boundaries found in Ex.B1 are not similar to the boundaries described in the plaint cannot be appreciated when it is found that Ex.B1 is a sale deed dated 14.7.1945 and such being the position, one cannot expect the same boundaries to be available during 2008 when the suit had come to be laid. Accordingly, it is found that the first appellate court holding that the defendant had not endeavored to explain or co-relate the boundary recitals found in Ex.B1 with the boundaries now available, on that footing also did not accept the claim of title to the suit property set up by the defendant. Furthermore, the first appellate court also proceeded to hold that the defendant has failed to establish the contradictions found in the mode of payment for the sale deed projected by him dated 20.06.2008 and the sale agreement dated 30.06.2007 and also his claim of possession, as to when it had commenced. On all these reasons, accordingly proceeded to hold that the defendant had failed to establish his claim of title, possession and enjoyment of the suit property. However, the plaintiff having laid the suit only for the relief of bare injunction and not endeavored to amend the suit for the relief of declaration, despite the serious challenge thrown by the defendant to her claim of title to the suit property, in my considered opinion, the first appellate court should not have probed into the question of title in extenso for deciding the merits of the case one way or the other. Particularly the first appellate court should not have endeavored to discuss into the question of title in detail. Though it could be said that in a suit for



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permanent injunction, the question of title could be gone into incidentally, but a reading of the first appellate court would only go to show that it had proceeded to decide the lis as if the same is a suit on title and on that footing and for the reasons aforesaid held that the defendant had failed to establish his claim of title to the suit property and on the other hand, though the plaintiff has also not produced any title deed to the suit property as such, however accepting Ex.A1 patta, the trial court is found to have upheld the plaintiff's suit. However, in the light of the above discussions, when it is found that the plaintiff has miserably failed to establish her claim of title, possession and enjoyment of the suit property as projected in the plaint and when in the absence of the claim of relief of declaration of title to the suit property by the plaintiff, the plaintiff's suit itself is found to be not legally sustainable in the light of the decision of the apex court above referred to, it is seen that there is no requirement to canvass the claim of title projected by the parties to the lis to the suit property one way or the other and accordingly for the reasons aforesaid, it is found that the judgment and decree of the first appellate court upholding the plaintiff's suit are liable to be set aside.

20. In the light of the above discussions, for want of a prayer of declaration of title, when in particular the defendant has challenged her title to the suit property and also set up a rival title on himself in respect of the suit property and more particularly when the plaintiff had failed to establish her title to the suit property by placing acceptable and reliable title deed with reference to the same, accordingly, the first appellate court having failed to go into the question whether the suit laid by the plaintiff is sustainable in law or not and thereby is found to have committed a serious error in setting aside the judgment and decree of the trial court without setting aside the findings of the trial court as regards the maintainability of the suit as determined by the trial court. The suit having been laid simpliciter for bare injunction, in my considered view, the question of title should not have been gone into in extenso and accordingly, it is not proposed to go into the claim of title projected by the parties as such and in any event as above discussed when the plaintiff has failed to establish prima facie, her valid claim of title to the suit property and when the document projected by her marked as Ex.A1 being a patta and that too a rough patta and when the plaintiff has failed to establish that the same had been duly granted in her favour in the manner known to law and when the patta cannot be considered to be a title deed and further when it is seen



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that the house tax receipts projected by the plaintiff are not shown to be related to the suit property, it is found that the plaintiff has also miserably failed to establish her claim of possession and enjoyment of the suit property for sustaining the relief of permanent injunction and on that footing also the plaintiff's suit should fail. Further, as Ex.A1 cannot be considered as a document of title, further this court is not inclined to go into the question of title for the simple reason that the suit is only laid for the relief of bare injunction and accordingly, this court has not probed into the merits of the title deed projected by the defendant and marked as Ex.B1 as well the other title deeds projected by the defendant and accordingly for the reasons aforesaid, the substantial questions of law formulated in the Second Appeal are accordingly answered against the plaintiff and in favour of the defendant.

C.M.P.No.14602/2018

21. The abovesaid petition has been laid by the defendant for marking the certified copy of Ex.B1 sale deed and according to him, the first appellate court while deciding the case against him opined that the defendant should have produced the certified copy of Ex.B1 for explaining the correct survey number available in Ex.B1 original sale deed. However, in the light of the above discussions, when the validity of Ex.B1 in detail need not to be gone into in the present suit as the present suit is only a suit for bare injunction and when prima facie, the plaintiff has failed to establish her claim of title, legal possession and enjoyment of the suit property an accordingly found to be not entitled to the grant of relief of permanent injunction in respect of the suit property, it is seen that the projected additional evidence by the defendant is not required to be considered as such for deciding the question of title of the defendant and his predecessors in interest in respect of the suit property. Thus, it is seen that the projected additional evidence is not needed for the adjudication of the issues involved in the matter and accordingly, for the reasons aforesaid, the petition for the reception of additional evidence is rejected.

22. In the light of the abovesaid factors, the judgment and decree dated 12.08.2014 passed in A.S.No.22 of 2012 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai are set aside and the judgment and decree dated 30.01.2012 passed in O.S.No.98 of 2008 on the file of the Court of District Munsif, Sirkali are confirmed. Accordingly, the Second Appeal is allowed with



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costs. C.M.P.No.14602 of 2018 is dismissed. Consequently,
connected miscellaneous petition if any is closed.

Sd/-
Assistant Registrar (CS II)

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Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
Principal Subordinate Court,
Mayiladuthurai.

2. The District Munsif,
District Munsif Court,
Sirkali.

Copy to

The Section Officer,
VR Section,
High Court. (2 COPIES)
Madras

+1cc to Mr. Mr. A. Muthukumar, Advocate SR.No. 64441
+1cc to Mr. S. Sounthar, Advocate SR.No. 64304

S.A.No.220 of 2015
and
C.M.P.No.14602 of 2018
&
M.P.No.1 of 2015

ASK (29/11/2018)