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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.04.2019

PRONOUNCED ON : 23.04.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

S.A.Nos.1350 & 1484 of 2005

S.A.NO.1350 OF 2005

Krishnaveni ...Appellant/Respondent/Plaintiff

Vs.

1.Rajkhan

2.Ponnurajammal

3.Narasiman

...Respondents/Appellants/Defendants

S.A.NO. 1484 of 2005

1.Krishnaveni

2.Thulasidass

...Appellants /Respondents 1 & 2/Defendants 1 & 2

Vs.

1.Ponnurajammal

2.Paapan ...Respondents /3rd Respondents/3rd Defendants

Prayer in S.A.No.1350 of 2005

Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree in A.S.No.110 of 2003 on the file of the Principal District Court, Dharmapuri at Krishnagiri made on 31.01.2005 in reversing the well considered judgment and decree in O.S.No.281 of 1989 on the file of the District Munsif, Krishnagiri made on 21.08.2003.

Prayer in S.A.No.1484 of 2005

Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree in A.S.No.103 of 2003 on the file of the Principal District Court, Dharmapuri at Krishnagiri made on 31.01.2005 in reversing the well considered judgment and decree in O.S.No.171 of 1992 on the file of the District Munsif, Krishnagiri made on 21.08.2003.



S.A.NO.1484 OF 2005

For Appellants : Mr.V.Raghavachari in both appeals

For Respondents: Mr.J.Hariharan

for Mr.V.Nicholas for Respondents 1 to 3 in
S.A.No.1350 of 2005 and for R1 in
S.A.No.1484 of 2005.

No appearance for R2 in S.A.No.1484 of
2005. Set exparte vide order dated
01.04.2019

COMMON JUDGMENT

The Second Appeal No. 1350 of 2005 is directed against the judgment and decree dated 31.01.2005 passed in A.S.No.110 of 2003 on the file of the Principal District Court, Dharmapuri at Krishnagiri, reversing the judgment and decree dated 21.08.2003 passed in O.S.No.281 of 1989 on the file of the District Munsif Court, Krishnagiri.

2. The second appeal No. 1484 of 2005 is directed against the judgment and decree dated 31.01.2005 passed in A.S.No.103 of 2003 on the file of the Principal District Court, Dharmapuri at Krishnagiri, reversing the judgment and decree dated 21.08.2003 passed in O.S.No.171 of 1992 on the file of the District Munsif Court, Krishnagiri.

3. Both the second appeals have been admitted on the following substantial questions of law.

"1. Whether the execution does not rise a presumption that the property belongs to the vendee and on the facts of the case when the sale deed been duly executed and admitted, is it open to the first respondent to impeach her sale deed?

2. Whether the lower appellate court is right in ignoring the revenue records and the commissioner's report which establish the nature of the property sold and the lay of the field?

3. Whether the suit is maintainable when the plaintiffs in O.S.No.171/92 have not even challenged the validity and correctness of the deed executed in favour of the appellant?



4. Considering the scope of the issues involved between the parties as regards the subject matter lying in a narrow compass, it is unnecessary to dwell into the facts of the case in detail.

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5. Suffice to state that the appellant Krishnaveni had laid the suit against the respondents in Second Appeal No.1350 of 2005 for the reliefs of declaration and permanent injunction. The appellant claims title to the suit properties based on the sale deed dated 04.05.1988 said to have been executed by the respondents Ponnu Rajammal and Paapan.

6. The suit in O.S.No.171 of 1992 has been laid by the respondent Ponnu Rajammal against the appellant Krishnaveni, Thulasidass and the respondent Paapan for the reliefs of declaration and permanent injunction or in the alternative, for the possession and also for directing the appellant Krishnaveni to execute the rectification deed in respect of the sale deed dated 04.05.1988 as detailed in the plaint.

7. After hearing the submissions of the counsel for the appellant and the respondents, it is seen that the main issue between the parties is only as regards the survey number and extent of the properties, which had been conveyed to the appellant Krishnaveni by the respondents Ponnu Rajammal and Paapan. According to the appellant Krishnaveni, by way of the sale deed dated 04.05.1988, the respondents, abovestated, had conveyed an extent of 45 cents in survey No.768/2 and 1.05 acres in survey No.768/6 and accordingly, on that basis, it is stated and claimed by the appellant Krishnaveni that she has been in the possession and enjoyment of the demised properties by obtaining the patta and paying kists, etc., and inasmuch as the respondents attempted to interfere with her possession and enjoyment, according to her, she had been necessitated to institute the suit for appropriate reliefs.

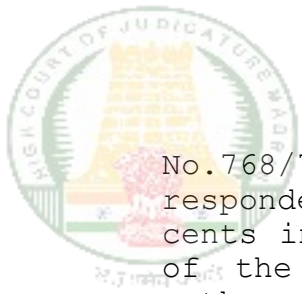
8. Per contra, according to the respondent Ponnu Rajammal, what had been conveyed under the sale deed dated 04.05.1988 is only covered in survey No.768/2 and not the suit property comprised in survey No.768/6 and further according to the respondent Ponnu Rajammal, she never intended to convey the property comprised in Survey No.768/6 and accordingly, it is alleged that the appellant Krishnaveni and her husband Thulasidass had obtained the sale deed dated 04.05.1988 by wrongly including the property comprised in survey No.768/6 and accordingly contending that the property comprised in 768/6 had not been alienated by her in favour of the appellant Krishnaveni under the abovesaid sale deed and that the property comprised in survey No.768/6 is in her possession and enjoyment, in the light



of the abovesaid position, sought for the appropriate reliefs against the appellant Krishnaveni and her husband Thulasidass in the suit laid by her in O.S.No.171 of 1992.

9. In the light of the abovesaid rival contentions put forth by the respective parties, the issue that has to be resolved in this matter is as to what is the property that had been actually conveyed to the appellant Krishnaveni by the respondent Ponnu Rajammal by way of the sale deed dated 04.05.1988. No doubt, the sale deed dated 04.05.1988 recites that, by way of the same, the property measuring an extent of 45 cents in survey No.768/2 and the property measuring an extent of 1.05 acres in survey No.768/6 had been conveyed. As could be seen from the materials placed on record, it is found that the respondent Paapan had alienated the extent of 75 cents belonging to him in survey No.768/7 to the appellant Krishnaveni's husband Thulasidass by way of the sale deed dated 20.02.1984. The fact that Paapan had only owned 75 cents in survey No.768/7 by way of the partition and that he had alienated the same to Thulasidass by way of the sale deed dated 20.02.1984 has been admitted by Thulasidass, who has been examined on behalf of the appellant Krishnaveni. As abovenoted, Thulasidass is the husband of the appellant Krishnaveni. In such view of the matter, as rightly determined by the first appellate court, after the execution of the sale deed dated 20.02.1984, Paapan has no other property in survey No. 768/7.

10. Furthermore, it could be seen from the materials placed on record that Thulasidass, the husband of the appellant Krishnaveni, had acquired an extent of 1.13 cents in survey No.768/5. As rightly found by the first appellate court, the same is not pertaining to the properties in dispute between the parties as such. Furthermore, as could be seen from the materials placed on record, it is found that the respondent Ponnu Rajammal had purchased the extent of 35 cents in Survey No.768/2 and the extent of 65 cents in survey No.768/7 from the respondent Paapan and his sons by way of the sale deed dated 27.05.1985. It is also seen from the materials available on record, on the same date, the respondent Ponnu Rajammal and the respondent Paapan had entered into an agreement of re-conveyance, whereunder, it is seen that the respondent Ponnu Rajammal had agreed to re-convey the property acquired by her in favour of Paapan acquired under the sale deed dated 27.05.1985. By way of the sale deed dated 20.02.1984, when it is found that the respondent Paapan had already alienated the extent of 75 cents owned by him in survey No.768/7, hence, it is obvious that thereafter, Paapan would not have any right in respect of the property comprised in survey No.768/7 and therefore, when it has been admitted by Thulasidass (P.W.1) that after execution of the sale dated 20.02.1984, Paapan has no property in survey



No.768/7, in such view of the matter, it is evident that the respondent Paapan would not have alienated the extent of 65 cents in survey No.768/7 to the respondent Ponnu Rajammal by way of the sale deed dated 27.05.1985. The same could also be gathered from the materials placed on record by the respective parties, both oral and documentary as well as the commissioner's report and plan marked in the proceedings. As abovenoted, by way of the sale deed dated 27.05.1985, the respondent Ponnu Rajammal had acquired two items, one item measuring 35 cents and another item measuring 65 cents. From the recitals contained in the abovesaid sale deed, it is seen that the abovesaid two items are situated adjacent to each other and it is further noted that the item comprising an extent of 35 cents is lying on the eastern side and adjacent to the same, the item comprising the extent of 65 cents is lying on the western side. However, as above noted, in the sale deed dated 27.05.1985, 35 cents is shown to be lying in survey No.768/2 and 65 cents is shown to be lying in survey No.768/7. According to the respondent Ponnu Rajammal, she is only aware of the lie of the properties on the basis of the boundaries to the same and not by way of the survey numbers. The FMB for survey No.768 has been marked in the proceedings and from the same, it is seen that it has been sub divided into 8 units. Furthermore, it is also seen that the sub division 7 is further sub divided as 7A and 7 B. From the FMB marked in the proceedings, it is found that 768/1 lies in the northern corner on the western side and 768/2 lies in the northern corner on the eastern side and to the south of 768/1 and 768/2, it is seen that there is a path running east-west, which has been subdivided as 768/3 and furthermore, it is also seen that 768/7 is lying south of 768/3 and 768/2. Furthermore, it is also seen that 768/6 is lying in the south western corner and 768/2 is lying in the north western corner and therefore, as found by the first appellate court, 768/6 and 768/2 are not adjacent to each other. The same could also be gathered from the commissioner's report and plan marked in the proceedings. As rightly determined by the first appellate court, as far as the first item of the extent of 35 cents mentioned in the sale deed dated 27.05.1985 and lying in survey No.768/2, there is no dispute between the parties, but, as abovenoted, adjacent to the same on the western side, the second item of 65 cents is stated to be lying in the abovesaid sale deed. The abovesaid sale deed also recites that to the south of the abovesaid two items, the land belonging to Bamulu Khan is lying and it is seen that the land of Bamulu Khan is lying in 768/7A. Equally, the northern boundary of both the two items i.e. for both 35 cents and for 65 cents, northern boundary is admitted to be and also recited as the land belonging to one Kuppu Chetti. As abovenoted, 35 cents mentioned as the first item is lying on the eastern side. The eastern boundary to the same is shown as the land belonging to one Elu Khan. Therefore, inasmuch as the second item of 65 cents is



described as lying adjacent to the first item of 35 cents on the western side, as regards the second item of 65 cents, its eastern boundary is shown as 35 cents i.e., the first item, the western boundary of second item 65 cents in the sale deed dated 27.05.1985 is shown as the land belonging to Thulasidass, the husband of the appellant Krishnaveni and the same is lying in survey No.768/1. Thus, it is seen that, as rightly determined by the first appellate court and as rightly put forth by the respondents, considering the description of the property found in the sale deed dated 27.07.1985 in conjunction with the FMB of the survey No.768 and the commissioner's report and plan marked in the proceedings, it is evident that both the items mentioned in the sale deed dated 27.05.1985 i.e., 35 cents and 65 cents are lying only in survey No.768/2 and however, the second item of 65 cents is found to have been mistakenly described as lying in survey No.768/7 in the abovesaid sale deed.

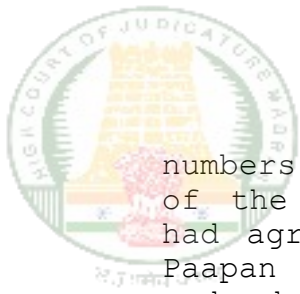
11.As abovenoted, the respondents, Ponnu Rajammal and Paapan had agreed, by way of an agreement of reconveyance, to re-convey the property back to Paapan covered in the sale deed dated 27.05.1985. The agreement of re-conveyance has been spoken to by the respondents in the course of their evidence clearly and as could be seen from the available materials both oral and documentary, it is found that the respondent Ponnu Rajammal had advanced loan to the respondent Paapan and only in connection with the same, it is found that the respondent Paapan had executed the sale deed dated 27.05.1985 in favour of the respondent Ponnu Rajammal and accordingly, the abovesaid two parties have agreed that, on the respondent Paapan discharging the loan transaction, Ponnu Rajammal should re-convey the property conveyed under the sale deed dated 27.05.1985 back to the respondent Paapan and accordingly, it is found that pursuant to the abovesaid agreement of re-conveyance, when Paapan had expressed the desire that the property should be sold to the appellant Krishnaveni, accordingly, it is put forth by the respondent Ponnu Rajammal that she had also joined in the execution of the sale deed dated 04.05.1988 in favour of the appellant Krishnaveni and accordingly it is also put forth that she had entrusted the original sale deed dated 27.05.1985 and agreement of re-conveyance to the respondent Paapan and this is how, it is put forth by the respondent Ponnu Rajammal, the sale deed had come to be executed in favour of the appellant Krishnaveni. In this connection, the abovesaid facts had been spoken to by the witness Venkatesan and it is also seen that he is the witness to the sale deed dated 04.05.1988. Accordingly, the abovesaid witness has also tendered evidence that the dispute had arisen between the parties regarding the actual land conveyed between them and accordingly it is also stated by the abovesaid witness that panchayat had been convened with



reference to the same between the parties. In this connection, the respondent Paapan had also examined his brother Bamulu Khan with reference to the conveyance made by him in favour of the respondent Ponnu Rajammal and the re-conveyance agreement and he has also tendered evidence on the abovesaid lines. Furthermore, the respondents have also examined one Rangappa Naidu with reference to the agreement of re-conveyance as well as the circumstances under which the sale deed dated 27.05.1985 had come to be executed by Paapan in favour of the respondent Ponnu Rajammal. Therefore, as rightly determined by the first appellate court, as could be seen from the evidence of the abovesaid witnesses, it is seen that as to how come the respondents Ponnu Rajammal and Paapan had joined together in the execution of the sale deed dated 04.05.1988 in favour of the appellant Krishnaveni and accordingly, it has to be seen as to whether the respondent Ponnu Rajammal had intended to convey the property in favour of the appellant Krishnaveni comprised in survey No.768/6 as put forth by the appellant Krishnaveni.

12.As abovenoted, in survey No.768/7, Paapan is entitled to an extent of 75 cents only by way of the partition. Furthermore, as could be seen from the materials placed on record Paapan is also entitled to the extent of the property in survey No.768/2 by way of the partition. After the execution of the sale deed dated 20.02.1984 by Paapan in favour of Thulasidass, the appellant's Krishnaveni's husband, the remaining extent available with Paapan is only lying in survey No.768/2. The same has also been admitted by Thulasidass in the course of evidence. Accordingly, it is found that only in respect of the lands comprised in survey No. 768/2, Paapan, for the debt borrowed from the respondent Ponnu Rajammal, had executed the sale deed in favour of the respondent Ponnu Rajammal dated 27.05.1985. Following the same, it has been admitted by Thulasidass that the extent comprised in the survey No.768/2 was only in the possession and enjoyment of Ponnu Rajammal. In the sale deed dated 27.05.1985 as the extent of 65 cents in survey No.768/2 is stated to be conveyed accordingly, the evidence had been adduced on the part of Thulasidass that inasmuch as Paapan owned the extent of 10 cents in survey No.768/2, he had also joined in the execution of the sale deed dated 04.05.1988 along with the respondent Ponnu Rajammal. As abovestated, the total extent comprised in survey No.768/2 belonged to the respondent Paapan.

13. In the light of the abovesaid discussions, considering the description of the property in the sale deed dated 27.05.1985 and the lie of the properties conveyed thereunder showing as the two items lying adjacent to each other and accordingly, when it is noted that as seen from the lie of the properties mentioned in the sale deed dated 27.05.1985 they are comprised only in survey No.768/2 and not in different survey



numbers as disclosed in the said sale deed, accordingly by way of the re-conveyance agreement, the respondent Ponnu Rajammal had agreed only to convey the property back to the respondent Paapan comprised in survey No.768/2 and not any other property and when it has been agreed that the sale deed should be executed in favour of the appellant Krishnaveni, in such view of the matter, at the most, it could only be gathered that the executants of the sale deed dated 04.05.1988, namely, the respondents Ponnu Rajammal and Paapan had intended to convey the property comprised in survey No. 768/2 and not in respect of the other properties, particularly, the properties comprised in survey No.768/6. As above noted, only on the strength of the sale deed dated 04.05.1988, the appellant Krishnaveni claims title to the property described therein. In this connection, it is seen that prior to the abovesaid sale deed, no sale agreement had been entered into between the parties concerned. As above noted, the appellant Krishnaveni had not examined any persons associated with the sale deed dated 04.05.1988 to hold that Paapan and Ponnu Rajammal had intended only to convey the properties as described in the said conveyance and not the property comprised in survey No.768/2. The other witnesses examined on behalf of the appellant Krishnaveni, other than her husband, are the VAOs and the evidence of the abovesaid VAOs had been rightly assessed by the first appellate court and found to be not touching upon the issues involved in the matter as such. Similarly, the first appellate court has also analysed the evidence of Thulasidass, the husband of the appellant Krishnaveni and found that he has adduced evidence contrary to the recitals found in the documents projected in the matter.

14. In the light of the abovesaid factors, it is seen that while executing the sale deed 04.05.1988, the respondents Ponnu Rajammal and Paapan had described the properties as lying within the same boundaries as mentioned in the sale deed dated 27.05.1985. In such view of the matter, when the lie of the second item found in the sale deed dated 27.05.1985 is seen to be located only in the survey No.768/2 and not in the other survey numbers, particularly, not in survey No.768/7 and 768/6, accordingly, the same mistake seems to have crept in the sale deed dated 04.05.1988. Though the two items are found to be conveyed thereunder, the first item shown to be lying in survey No.768/2, however, the extent is mentioned as 45 cents instead of 35 cents. As regards the extent of 45 cents in survey No.768/2 is concerned, there is no dispute between the parties as such. However, as regards the second item, both the extent as well as the survey numbers are found to be different in the sale deed dated 04.05.1988 and the second item is described in the sale deed as comprising of an extent of 1.05 acres of land in survey No.786/6. However, the fact remains that the same



boundaries to the two items comprised in the sale deed dated 27.05.1985 have been mentioned as the boundaries to the two items described in the sale deed dated 04.05.1988. In such view of the matter, it is evident that what was intended to be conveyed under the sale deed dated 04.05.1988 is only the property actually conveyed under the sale deed dated 27.05.1985 and in such view of the matter, as rightly determined by the first appellate court, the appellant Krishnaveni would not be entitled to claim any other property other than what is lying within the abovesaid four boundaries as mentioned in the sale deed dated 04.05.1988.

15. As abovenoted, the extent available in survey No. 768/2 belonged to the respondent Paapan, the same is not in dispute. Therefore, it is seen that when Paapan had intended to convey his property to the appellant Krishnaveni and at that point of time, the sale deed dated 27.05.1985 is in vogue and existence and when the respondent Ponnu Rajammal is to re-convey the said property back to Paapan and accordingly it is found that both the respondents Ponnu Rajammal and Paapan had executed the sale deed dated 04.05.1988 in favour of the appellant Krishnaveni. As could be seen from the materials available on record, the land comprised in survey No.768/6 measuring 1.19 acres had been acquired by the respondent Ponnu Rajammal by way of the sale deed dated 07.01.1981, however, as per the sale deed dated 04.05.1988, according to the appellant Krishnaveni, Ponnu Rajammal had conveyed the extent of 1.05 acres in survey No.768/6 lying on the eastern side after retaining the extent of 14 cents in the same survey number on western side. It is further noted that 768/6 has been sub divided as 768/6B 1.05 acres and 768/6A 14 cents pending the litigation. If really, the respondent Ponnu Rajammal had intended to convey the extent of 1.05 acres in 768/6, after retaining the extent of 14 cents in the said survey number, necessary recitals to that effect would have been incorporated in the sale deed dated 04.05.1988. However, no such recital is found in the abovesaid sale deed. Similarly, if really the respondent Ponnu Rajammal had intended to convey the extent of 1.05 acres in survey No.768/6 to the appellant Krishnaveni under sale deed dated 04.05.1988, in such view of the matter, the western boundary of the said extent of 1.05 acres would have been mentioned only as 14 cents of land retained by the respondent Ponnu Rajammal in the same survey number. On the other hand, in the sale deed dated 04.05.1988, the western boundary of the second item i.e. 1.05 acres has only been shown as the land belonging to Thulasidass, the husband of the appellant Krishnaveni. In such view of the matter, it is evident that taking advantage of the difference in the survey numbers and the extent, it is found that the appellant Krishnaveni is attempting to grab the property belonging to the



respondent Ponnu Rajammal one way or the other and however, when the title deed under which she claims title discloses that the properties comprised in the said title deed are only lying adjacent to each other and within the survey No.768/2 and the lie of the two said items do not have nexus in connection with the property lying in survey No.768/6 and when from the commissioner's report and plan and the FMB projected in the matter, it is seen that 768/2 and 768/6 are not lying adjacent to each other and on the other hand lying away from each other, one lying in the north eastern corner and another lying in the south western corner and on the other hand, the two items mentioned in the sale deed dated 04.05.1988 are shown to be lying adjacent to each other, in the light of the abovesaid factual matrix, the appellant Krishnaveni cannot be allowed to claim any title to the property comprised in survey No.768/6 on the basis of the sale deed dated 04.05.1988 and in particular, as determined by the first appellate court, on the basis of the abovesaid sale deeds, the appellant Krishnaveni would not be entitled to claim any title to the property comprised in survey No.768/6.

16. In the light of the abovesaid position, the argument put forth by the counsel appearing for the appellant Krishnaveni that the witness Venkatesan had deposed that the sale deed dated 04.05.1988 had been executed by the parties thereto only after reading the contents there of, etc., by itself, would not buttress the case of the appellant. Considering the lie of the properties described in the said sale deed and when the lie of the properties, particularly, the boundaries within which the same are found to be located only point to the same lying in survey No.768/2 and not in survey No.768/6 in particular and the parties without understanding the survey numbers and the extent comprised within the same are found to have dealt with the properties right from the inception by giving wrong survey numbers from the sale deed dated 27.05.1985 wherein the second item is wrongly mentioned as lying in survey No.768/7 instead of 768/2, the same mistake had been found to have been carried out in the subsequent transactions by inadvertence and mistake and conveniently the appellant Krishnaveni, while obtaining the sale deed dated 04.05.1988 had obtained the same in respect of the second item as describing the same as 1.05 acres in survey No.768/6 instead of 65 cents in survey No.768/2. But her case has been belied by the lie of the second item of the properties in the abovesaid sale deed and in such view of the matter, as rightly found by the first appellate court, the appellant Krishnaveni is not entitled to any property comprised in survey number in 768/6 and accordingly, it is further noted, that as found by the first appellate court, the appellant Krishnaveni had even endeavouring to amend the plaint accordingly to suit her case one way or the other by changing the survey numbers,



extent, etc., and also altering the reliefs claimed by her from possession to the relief of permanent injunction and on the whole, it is found that the first appellate court had analysed the evidence adduced in the matter by the respective parties, both oral and documentary, in the right perspective and on factual matrix determined that the parties had, from the inception, only intended to deal with the property comprised in survey No. 768/2 and not in respect of the property comprised in survey No. 768/7 or 768/6. In such view of the matter, the first appellate court is fully justified in dismissing the suit laid by the appellant Krishnaveni in O.S.No.281 of 1989 and granting the reliefs in favour of the respondent Ponnu Rajammal in the suit laid by her in O.S.No.171 of 1992.

17.The counsel for the appellant Krishnaveni would contend that the relief of rectification of the instrument dated 04.05.1988 prayed for by the respondent Ponnu Rajammal had been erroneously granted by the first appellate court. However, considering the intention of the parties that they had proceeded only to deal with the property comprised in survey No.768/2 and also the lie of the properties mentioned in the sale deed dated 04.05.1988 and in such view of the matter, in my considered opinion, when the respondent Ponnu Rajammal had intended only to convey along with the respondent Paapan the properties comprised in survey No.768/2 alone in two items and not in survey No.768/6 to the appellant Krishnaveni, in such view of the matter, when the abovesaid case of the respondent Ponnu Rajammal is found justified as above pointed out and discussed in detail, in such view of the matter, as per law, it is found that the relief of rectification sought for by the respondent Ponnu Rajammal is entitled for acceptance and in this connection, the principles of law outlined in the decision reported in 1996 2 L.W 243 (S.Marimuthu v. G.Kumaraswamy and others) are taken into consideration.

18. In view of the abovesaid discussions, when the parties had intended only to deal with the property in the various transactions projected in the matter comprised in 768/2 and not in respect of the other survey numbers, in such view of the matter, the appellant Krishnaveni cannot be allowed to claim any title to the property comprised in survey No.768/6 and when the abovesaid determination could be arrived at on the appreciation of the factual materials available on record and as such there is no question of law involved with reference to the same as such, in such view of the matter, the controversies between the parties as regards the subject matter centering on factual matrix and when the same are found to have been determined by the first appellate court on a proper appreciation of the materials projected in the matter by the respective parties and



not shown to be suffering from perversity or shown to be illogical or irrational in any manner, in my considered opinion, the judgment and decree of the first appellate court, in both the matters, do not warrant any interference and accordingly it is seen that as such no question of law is involved in the second appeals. Be that as it may, the substantial questions of law formulated in the second appeals are accordingly answered against the appellants Krishnaveni and Thulasidass and in favour of the respondents Ponnu Rajammal and Paapan.

19. In conclusion, both the second appeals fail and are accordingly dismissed with costs. Consequently, connected miscellaneous petition, if any, is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bga

To

1. Principal District Court,
Dharmapuri at Krishnagiri.

2. District Munsif Court,
Krishnagiri.

Copy to

The Section Officer,
V.R.Section, High Court, Madras.

+2ccs to M/s.V.Nicholas, Advocate Sr.38559 & 38560
+1cc to M/s.V.Raghavachari, Advocate Sr.38590

S.A.Nos.1350 & 1484 of
2005

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srg 03/10/2019