



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

S.A.(MD).No.326 of 2021

Subramani @ Subramanian ... Appellant/Appellant/Plaintiff

-Vs-

1.The Tahsildar,
Peravoorani,
having his office at
Peravoorani Town and Taluk,
Pattukottai Munsif,
Thanjavur District.

2.The District Collector,
Thanjavur,
Having his office at
Vallam Road,
Thanjavur Town and Munsif.

3.Manimegalai.

4.Sakthi Vinayagam ... Respondents/Respondents/Defendants

Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree, dated 24.02.2020 in A.S.No.9 of 2019 on the file of Learned Subordinate Judge, Pattukottai, confirming the Judgment and Decree, dated 26.09.2018 in O.S.No.192 of 2015 on the file of learned District Munsif, Pattukottai.

For Appellant : Mr.V.Sasikumar

For Respondents : Mr.R.Baskaran for R1 & R2
Government Advocate

JUDGMENT

The plaintiff, who was unsuccessful before both the Courts below, has filed the present second appeal before this Court.

2.The appellant / plaintiff filed a suit seeking for the relief of declaration to declare him as the legal heir of deceased Panchu Chettiyar and for other consequential reliefs. The suit was laid on the ground that the appellant lived with his father at Cylone and



his father died on 19.04.2011 after they returned back to India and were living at Sornakkadu Village.

3.The defendants 3 to 5 also claimed to be the legal heir of late Panchu Chettiyar. The fight between the parties seems to be with an intention to claim a right over the properties left behind by Panchu Chettiyar.

4.Heard Mr.V.Sasikumar, learned counsel for the petitioner and Mr.R.Baskaran, learned Government Advocate for the respondents 1 and 2.

5.The Courts below on going through the documents filed by the appellant and also the oral evidence of the appellant, came to a conclusion that the appellant did not establish his claim that he is the son of Panchu Chettiyar. The Courts below took into consideration the fact that the appellant did not even give the name of his mother and did not examine any independent witness, who could have spoken about the relationship of the appellant and late Panchu Chettiyar. The Courts below also found a lot of contradiction in certain documents that were marked, wherein, the name of the father of late Panchu Chettiyar was found to be changing in every other document. The Courts below also found that the defendants failed to prove their relationship with late Panchu Chettiyar. Even though an attempt was made by the appellant to bring in some additional documents at the stage of appeal, it was found that they had no relevance and it was not in any way helping the case of the appellant.

6.The findings given by both the Courts below are based on appreciation of evidence and this Court does not find any illegality or infirmity in those findings. This Court cannot undertake the exercise of re-appreciation of the evidence and the same is beyond the scope of the Second Appeal under Section 100 of Civil Procedure Code. This Court does not find any substantial question of law involved in the present case and there are absolutely no merits in the second appeal.

7.In the result, this Second Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Sub Judge, Pattukkottai.

2.The District Munsif, Pattukkottai.

Copy to

1.The Tahsildar,
Peravoorani,
having his office at
Peravoorani Town and Taluk,
Pattukkottai Munsif,
Thanjavur District.

2.The District Collector,
Thanjavur,
Having his office at
Vallam Road,
Thanjavur Town and Munsif.

3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.SPL GP (SR-18816[F] dated 04/06/2021)

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-18892[F] dated 07/06/2021)

S.A. (MD) .No.326 of 2021

03.06.2021

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TR(25.06.2021) 3P 9C