



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

SA.No.60 of 2012

1. Kothandan

2. Somu

3. Nagammal

4. Lakshmi

5. Minor Sandhia

6. Minor Vellachi

7. Minor Vimala

5 to 7 are minors represented by  
Guardian Nagammal third appellant

.. Appellants/Appellants/ Plaintiffs

Vs.

Pichandi

.. Respondent/Respondent/Defendant

Prayer: Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree dated 29.07.2011 in A.S.No.19 of 2010 on the file of the Sub Court, Vellore confirming the judgment and decree in O.S.No.395 of 2007 dated 23.10.2009 on the file of Principal District Munsif, Vellore.

For Appellants :Mr.P.Seshadri

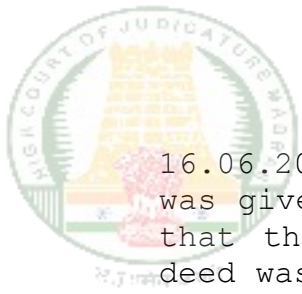
For Respondent :Sole Respondent died

#### JUDGMENT

The plaintiffs are the appellants in this second appeal.

2.The Appellants filed a suit seeking for the relief of declaration of title, permanent injunction and for possession of the suit property and other consequential reliefs.

3.The case of the Appellants is that the suit property originally belonged to the father of the plaintiffs and he executed a registered settlement deed in favour of his wife on



16.06.2003 and she was given life estate and the vested remainder was given to the children. The further case of the appellants is that their mother seethalakshmi in whose favour the settlement deed was executed, entered into a sale deed with the defendant on 29.01.1982. In this sale deed, the 1<sup>st</sup> plaintiff was also shown as a vendor and the other plaintiffs were minors and were represented by their natural guardian and mother.

4.The mother of the plaintiffs viz., Seethammal is said to have died in the year 2005. Thereafter, the suit came to be filed by the plaintiffs in the year 2007 against the defendant for the above said reliefs.

5.Heard the learned counsel for the Appellant and carefully perused the pleadings and the materials placed on record.

6.A careful reading of the judgements of both the Courts below shows that the settlement deed was executed in favour of Seethammal by her husband Kanniappa Naicker through a registered settlement deed dated 16.06.1963, which has been marked as Ex.A4. It is an admitted fact that the said Seethammal only had a life estate in the suit property.

7.When the above said seethammal executed the Sale deed dated 29.01.1982 marked as Ex.B1 in favour of the defendant, apart from Seethammal, the 1<sup>st</sup> plaintiff also signed in the Sale deed and the other plaintiffs who were minors were also represented by the said Seethammal. Curiously, the 1<sup>st</sup> plaintiff did not get into the box and explain the circumstances under which the Sale deed was executed in favour of the defendant.

8.Both the Courts on appreciating the oral and documentary evidence have found that the plaintiffs were very much aware about the sale deed executed in favour of the defendant in the year 1982 and it was never questioned right through and whereas after a period of 25 years, the suit came to be filed against the defendant and the Courts below found that the suit has been filed only with an intention to grab the property. Both the Courts concurrently held that Ex.B1 is a genuine sale deed and the transaction is a genuine one which was supported by a valid consideration. The witness on the side of the plaintiff viz., PW1 also admitted that they were aware of the fact that the defendant was enjoying the property from the year 1982 onwards.



9. In the considered view of this Court, both the Courts below have properly appreciated the oral and documentary evidence and have rendered their findings and this Court does not find any perversity in the findings of the Courts below. There is no ground to interfere with those findings and there are no substantial questions of law involved in the present second appeal. In the result, this Second appeal stands dismissed. Considering the facts and circumstances of this case, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Subordinate Judge, Vellore

2. The Principal District Munsif, Vellore

Copy To:-

The Section Officer

VR Section, High Court

Madras.

SA.No.60 of 2012

RP(CO)

CB(23/03/2022)