



S.A.No.501 of 2022

P.T.ASHA, J.

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This Second Appeal is admitted on the following Substantial Questions of Law:

"(1)Whether the Courts below are right in Law in dismissing the suit by wrongly casting the burden of proof on the plaintiffs regarding the proof of legal heirship of the deceased Ramasamy Gounder and Sellammal, particularly, when the defendants have come forward with the affirmative defence stating that the deceased Ramasamy Gounder and Sellammal had three sons by name Chinnappan, Perumal and Kulandaivelu without any material evidence produced by them before the Courts below?

(2)Whether the Courts below are right in Law in holding that the suit is bad for non-joinder and misjoinder of necessary parties based on the revenue records in Ex.B.5, Ex.B.6 and Ex.B.7 standing in the names of Yogesh Kumar and Purushothaman, particularly, when the same pertains to S.No.29/1 and not the suit property which is in S.No.38/3?

(3)Whether the Courts below are right in Law in casting the Law relating to burden of proof with regards to the existence of other legal heirs of the deceased Ramasamy Gounder?



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(4)Whether the Courts below are right in Law in concluding the title and possession of the respondents/defendants solely based on the revenue records Ex.B.5 to Ex.B.7 pertaining to S.No.29/1 which do not stand in the name of the 3rd defendant and which does not pertain to the suit property?

(5)Whether the Judgment and Decree of the Lower Appellate Court is correct in Law inasmuch as the Lower Appellate Court being the final Court of the Act has not independently assessed the evidence on record and rendered a finding thereof?"

Notice.

13.07.2022

mps

Note:

Registry is directed to send a copy of the Substantial Questions of Law framed by this Court along with the Notice.



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mps

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