



S.A.No.481 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 19.10.2022

PRONOUNCED ON: 13.12.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.481 of 2020
and C.M.P.No.10340 of 2020
and
C.M.P.Nos.1879, 2465 and 7579 of 2022

D.Mythili

...Appellant

Vs

1. Madhavi
2. Elangovan
3. Dhamodharan
4. G.D.Pushpavathi
5. S.Kothai

...Respondents

Prayer: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree passed by the Hon'ble XVI Additional City Civil Court at Chennai in A.S.No.403 of 2018 dated 04.09.2019 confirming the decree and judgment passed by the Hon'ble XII Assistant City Civil Court at Chennai made in O.S.No.5067 of 2014 dated 22.01.2018.



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For Appellant : Mr.T.T.Ravichandran
for Mr.M.Balasubramanian

For Respondents
1 and 2 : Ms.A.Sumathy

For Respondent-3: Mr.S.Sundar

For Respondent-4: Not ready in notice

For Respondent-5: Mr.R.Thiagarajan

JUDGEMENT

The unsuccessful plaintiff before the Courts below is the appellant before this Court.

2. The parties are referred to in the same litigative status as before the trial Court for ease of understanding. The property, which is the subject matter of the proceedings, is herein below described:

*“House and ground situate at bearing Old
Door No.19, New Door No.41, Perumal Naicken*



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Street, Purasaiwakkam, Chennai - 600 007 and comprised in Survey [R.S.No. 519](#) of Purasaiwakkam Village, measuring NIL ground and 2250 sq.ft and bounds as follows:

North by : Perumal Naicken Street.

South by : house belonging to Appadurai Pillai,

West by : Sundaram Pillai Street.

East by : Old Door No 18, Perumal Naicken Street.

On the north 60 feet : '0' inches

On the south 60 feet : '0' inches

On the west 36 feet : '0' inches

On the east 39 feet : '0' inches

In all measuring nil ground and 2250 sq.ft within the Sub Registration District of Purasawakkam District of Purasawakkam and District of Chennai North.

3. Plaintiff's case:

(i) The plaintiff had filed the suit in O.S.No.5067 of 2014 on the file of the XII Assistant Judge, City Civil Court, Chennai seeking the following reliefs:



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a) *For a declaration that the judgment and preliminary decree passed in O.S.No.3050 of 1993 before VII Assistant City Civil Court at Chennai dated 16.07.2002 as null and void and not binding on the plaintiff.*

b) *To set aside the decree and judgment passed in O.S.No.3050 of 1993 dated 16.07.2002 on the file of VII Assistant City Civil Judge, Chennai.*

It is her case that she and the 5th defendant are the daughters of the 4th defendant and one Durairajan. Durairajan had a sister Andalammal whose daughter is the 1st defendant and her sons are 2nd and 3rd defendants. The said Andalammal had died in the year 1962. The suit property belonged to one Narayana Naicker, who had acquired it under the Revenue Department Certificate No.414 dated 16.03.1820. The property measured an extent of 2220 sq.ft. After his death, the property devolved upon his son, Ponnappa Naicker. The said Ponnappa Naicker had a one and only son, Govinda



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Naicker who succeeded to the property on the demise of Ponnappa Naicker.

The said Govinda Naicker had died in the year 1948 leaving behind his only son, Durairajan as his sole surviving co-parcener, and his wife Nagammal, was taken care of by the said Durairajan. The absolute right of Govinda Naicker over the suit schedule property therefore devolved on Durairajan. Since the said Govinda Naicker had died much before the Hindu Succession Act, 1956 had come into force, his wife and daughter did not have any right over the suit property and it is his son, who had become the absolute owner of the said property.

(ii) In the year 1988, after the death of Durairajan, the 4th defendant, his wife had executed a Release Deed releasing her 1/3rd share in favour of the plaintiff and the 5th defendant. Therefore, the plaintiff and the 5th defendant became entitled to 1/2 share each in the suit property. The defendants 1 to 3 are the children of the plaintiff's father's sister Andalammal. Further, the plaintiff had an estranged relationship with her mother and sister, the 4th and 5th defendants respectively on account of her



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choosing her life partner. Therefore, the plaintiff had left Chennai and was permanently residing at Pothanur, Coimbatore where she was working in the Southern Railways. She has been living there since 1989. There was no communication between her and defendants 4 and 5 ever since then.

(iii) The plaintiff would submit that in the meanwhile, the defendants 1 to 3 had filed O.S.No.3050 of 1993 before the VII Assistant City Civil Court, Chennai against the plaintiff and defendants 4 and 5 for a partition of their $\frac{1}{2}$ share in the suit property. It was their case that the property devolved on Nagammal and after her death, her daughter Andalammal and the plaintiff's father, Durairajan inherited the same with each becoming entitled to a $\frac{1}{2}$ share. The plaintiff and defendants 4 and 5 were the legal heirs of Durairajan and defendants 1 to 3 were legal heirs of Andalammal. Therefore, the property devolved upon them equally.



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(iv) The case of the plaintiff is that no summons in the above suit had been received by her and she had been kept in dark about the entire proceedings. The defendants 4 and 5 had not kept her informed about the proceedings and had played a fraud on her. The suit was ultimately decreed and the plaintiff was set ex-parte. Thereafter, a judgment came to be passed on 17.07.2002 in and by which, the learned Judge had granted the preliminary decree. An appeal in A.S.No.59 of 2003 had been preferred against the preliminary decree by the defendants 4 and 5 without impleading the plaintiff as a party appellant. The appeal was allowed, against which, defendants 1 to 3 had filed S.A.No.925 of 2005 before this Court. The second appeal was allowed by this Court and a SLP against the said judgment was filed by the defendants 4 and 5, in which they had included the plaintiff without her consent. The S.L.P also went against them. Pending the second appeal, the plaintiff had come to Chennai and was asked to execute a Settlement Deed in respect of 203 sq.ft. of property in favour of the 5th defendant. The plaintiff had come straight to the Registrar's Office to execute the Sale Deed. Even at that point of time, the defendants had not kept her



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informed about the proceedings in O.S.No.3050 of 1993. It was only on 15.06.2013 when she had visited her mother, the 4th defendant, in the hospital where she had been admitted that she came to know about that the suit as well as outcome of the same. It was then that she came to learn about the fraud that had been played on her. The plaintiff would submit that defendants had filed a fraudulent suit claiming title under Nagammal, who had no right to the property. Admittedly, the suit property was the property of Govinda Naicker, husband of Nagammal, who had died in the year 1948 much before the enactment of the Hindu Succession Act, 1956. Therefore, the property had devolved upon only Govinda Naicker's son Durairajan. The defendants 1 to 3 were claiming under Nagammal through their mother, Andalammal, both of whom had no right to the property. Therefore, the plaintiff was constrained to file the suit for the reliefs set out in para 3 (i) supra.

4. Written statement of the defendants 1 to 3:

The defendants had filed a written statement *inter-alia* contending that



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the suit was hit by principle of estoppel and *resjudicata* as also the provision of Order II Rule 2 of C.P.C. The defendants would contend that the plaintiff has come forward with the present suit by playing fraud on the Court and misleading the Court. That apart, there is no cause of action for filing the above suit, since the issue had already attained finality with the judgment of the Hon'ble Supeme Court in S.L.P(C).No.8685 of 2010. The defendants would further submit that though the plaintiff's mother and sister were actively contesting the suit, the plaintiff has deliberately kept herself away from the earlier proceedings. She had been evading service of notice and was set *ex-parte*. They further contended that the plaintiff had filed an application in I.A.No.9305 of 2013 in O.S.No.3050 of 1993 for condoning the delay of 4661 days in filing the application to set aside the preliminary decree setting forth the very same facts. The application was dismissed, which was challenged by the plaintiff in C.R.P.No.2048 of 2014. By an order dated 16.06.2014 this Court was pleased to dismiss the said revision. After the dismissal of the revision, the current suit came to be filed. Therefore, the defendants 1 to 3 would submit that the plaintiff was not entitled to the relief



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claimed by her, as it was only a case of re-litigation.

5. Written statement of the 4th defendant:

The 4th defendant had come forward with the contention that she was an unnecessary party to the suit, since she has already released her right in the property in favour of her daughters. She would once again question the locus of the defendants 1 to 3 to seek a partition of the suit property, all of which had already been agitated by her in the earlier suit O.S.No.3050 of 1993.

6. Written statement of the 5th defendant:

The 5th defendant had filed a written statement supporting the contention of the plaintiff that the defendants 1 to 3 are not entitled to a share in the property, since the property belonged to her father exclusively. She would also contend that the defendants 1 to 3 had no right to the suit property, as the same only fell to the share of this defendant's father

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G.R.Durairajan. She would also contend that the defendants 1 to 3 were attempting to stake a claim on the suit property on the basis of a single mortgage deed, which was executed by Durairajan and Nagammal, and would also contend that Andalammal, the mother of the defendants 1 to 3 also had no right to the property. Ultimately, she sought to have the suit decreed.

7. Additional Written Statement of the defendants 1 to 3:

In the additional written statement, the defendants 1 to 3 would once again reiterate that the instant suit was an abuse of process of Court and was a fraud being played on Court. After being denied an order in C.R.P.No.2048 of 2014, which was also filed on the very same grounds, the plaintiff was attempting to re-litigate and make a mockery of the justice delivery system. The issue as to whether the plaintiff had been served with summons has been dealt with in I.A.No.9305 of 2013 and confirmed in C.R.P.No.2048 of 2014. The present suit has been filed immediately after the dismissal of the revision. Therefore, the defendants 1 to 3 had sought to

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have the suit dismissed with costs.

8. Trial Court:

The Trial Court had framed the following issue:

“Whether the plaintiff is entitled to relief of declaration as prayed for?”

9. The plaintiff had examined herself as P.W1 and marked Exs.A1 to A21. On the side of the defendants, the second defendant had examined himself as D.W1 and had marked Exs.B1 to B4.

10. The XII Assistant Judge, City Civil Court, Chennai upon considering the evidence of record, had dismissed the suit. Aggrieved by the same, the plaintiff had filed an appeal in A.S.No.403 of 2019 on the file of the XVI Additional Judge, City Civil Court, Chennai. The learned XVI Additional Judge also confirmed the judgment and decree of the trial Court. Challenging the above concurrent judgment and decree, the plaintiff has filed

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the above Second Appeal.

11. Second Appeal:

The above Second Appeal has been admitted on the following substantial questions of law:

(i) *Whether the lower appellate Court was right in confirming the Judgment of the trial Court after having held that the suit is not barred by either by res-judicata or limitation?*

(ii). *Whether the lower appellate Court was right in not considering the fact that the entire claim of the plaintiff is based on non service of notice in the earlier suit?*

(iii) *Whether the Courts below were right in not appreciating the fact that a Hindu women would have never begin a coparcener prior to coming into force by the Hindu Succession Act, 1956?*

12. Submissions of the learned counsel for the appellant:

(i) Learned counsel appearing on behalf of the appellant would



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after narrating the facts of the case base his challenge to the judgment and decree on the following points:

a) Nagammal had no right to the suit property, since the properties were ancestral properties of Govinda Naicker, the father of the Durairajan and grandfather of the plaintiff and the 5th defendant and he died in the year 1948 much before the enactment of the Hindu Succession Act, 1956. Therefore, his wife, Nagammal and daughter, Andalammal had no right, title or interest to the property and the entire property was inherited only by the said Durairajan.

b) The case of the defendants 1 to 3 in the earlier suit that the property belonged to Nagammal was a false statement and therefore, the suit was a fraudulent one.

c) Since the Hon'ble Supreme Court had dismissed the Special Leave Petition at the admission stage, it is well open to the parties to work out the remedies available to them under law and therefore, the present suit is very much maintainable, as it seeks to set



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aside the decree obtained by fraud.

d) The decree in O.S.No.3050 of 1993 is an ex-parte decree and therefore, is not binding on the plaintiff.

e) In the earlier suit, the right of the defendants 1 to 3 over the property was recognised only on the basis of a Mortgage Deed, where Nagammal signed along with Durairajan and entry in the tax register and consequent tax receipts.

f) The mortgage created by Durairajan and Nagammal had been discharged only by Durairajan, which would clearly prove that the property belonged only to him.

g) That on the death of Durairajan, the plaintiff and defendants 4 and 5 have acted upon their right, by the plaintiff executing the settlement deed in favour of her sister, 5th defendant in respect of 203 sq.ft out of 1125 sq.ft belonged to her. The mother,



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Pushpavathi had executed a release deed in respect of her 1/3rd share in favour of the plaintiff and the 5th defendant under a Deed dated 28.12.1988.

h) For Nagammal to claim a right in the property, she should have demanded a partition and taken her defined share. Since such a demand is not made in respect of partition suits, she is not entitled to any right in the property, as the property would merge into co-parcenary property.

i) The defendants have not produced any of the documents which would expose them and by not doing so have clearly suppressed the true facts and obtained a decree by fraud and subterfuge.

j) That the present suit is neither barred by res-judicata nor by limitation.

k) That the suit being the result of a fraud perpetuated on the Court the decree is null and void and can be set aside.



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(ii) In order to substantiate the question of fraud, the learned counsel for the appellant has relied on the following judgments:

1	<i>1994(1) SCC 1 [S.P.Chengalvaraya Naidu (Dead) By Lrs. V. Jagannath (Dead) By Lrs]</i>
2	<i>1995(4) SCC 163 [Asharfi Lal v. Koili (Smt) Dead By Lrs]</i>
3	<i>1996 (3)Law Journal 310</i>
4	<i>1996(3) SCC 550 [Indian Bank Vs. M/s Satyam Fibres India Pvt. Ltd.]</i>
5	<i>2003(8) SCC 319 [Ram Chandra singh v. Savitri Devi and Ors]</i>
6	<i>2004(2) LW 70</i>
7	<i>2007(4) SCC 221 [A.V Papayya Sastry v. Govt. of A.R]</i>
8	<i>2008(12) SCC 353 [Ganpatbhai Mahijibhai Solanki v. State of Gujarat]</i>
9	<i>2008(1) CTC 471 [S.V Subramaniam v. Cypress Semiconductor Technology India Private Limited]</i>
10	<i>2012(1) SCC 476 [Union of India and others v. Ramesh Gandhi]</i>
11	<i>2012(11) SCC 574 [Badami (Deceased) by her LR v. Bhali]</i>

(iii) In support of the contention that by merely executing a mortgage as a co-executant Nagammal would not derive a right to the property, the learned counsel has relied on the following judgments.



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1	<i>1996(1) Madras Law Journal 251 [M.P.P. Jayagandhi Nadar and Company vs. Arunachalam Pillai and Ors]</i>
2	<i>2008(3) Law Weekly 1211 [Dhanlekshmi v. K Loganathan]</i>

(iv) In support of the contention that the suit property is the exclusive property of the plaintiff's father Durairajan, since the succession opened in the year 1948, the learned counsel for the appellant would cite the following judgments.

1	<i>2004(3) CTC 60</i>
2	<i>2014(4) CTC 1 [Padmavathy and Ors v. Thamaravardhini and Ors]</i>

(v) To substantiate the argument that the dismissal of a special leave petition in *limini* would not amount to *res judicata*, the learned counsel has relied on the following judgments.

1	<i>2000 Law Suits(SCC) 1032</i>
2	<i>2019 Supreme Court Civil Appeal No.2432 /2019 Page 262 Khoday Distilleries Ltd. and Ors v. Shri Mahadeshwara Sahakara</i>

(vi) The following judgments have been cited to buttress the



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arguments that the revenue records would not prove the title.

1	<i>2013 2 CTC Page 347 State of A.P. and Others Vs. Star Bone Mill and Fertiliser Co.</i>
2	<i>1996 2 CTC Page 1999[Veeraraghava Perumal Temples Tiruppur, Coimbatore District v. R.V.E Venkatachala Gounder & another]</i>

Therefore, the learned counsel for the appellant / plaintiff would seek to have the appeal allowed.

12. Submissions of the learned counsel for the respondents 1 and 2:

(a) Respondents 1 and 3 are the legal heirs of Andalammal.

(b) In the suit O.S.No.3050 of 1993, the 2nd defendant, Kothai has let in evidence but has not marked any documents on their side.

(c) The judgment and decree of the trial Court has been challenged right up to the Hon'ble Supreme Court and the decree has gone in favour of the respondents 1 to 3.



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(d) *The final decree proceedings in I.A.No.3538 of 2011 had been filed and after filing of the final decree proceedings, the plaintiff has filed an application under Order 9 Rule 13 of C.P.C along with an application under Section 5 of the Limitation Act to condone the delay of 4661 in filing the petition to set aside the ex-parte decree in O.S.No.3050 of 1993 which has been dismissed and confirmed by this Court.*

(e) *The present case is nothing but a re-litigation and sheer abuse of process of Court as also forum shopping.*

(f) *The plaintiff had failed in her attempts to set aside the decree in the earlier round of litigation by filing an application to condone the delay in setting aside the ex-parte decree and is now trying to re-litigate through the present suit.*

(g) *The earlier suit was vehemently contested by the plaintiff's mother and sister, namely, defendants 4 and 5 in the suit.*



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(h) *The present suit is absolutely silent with reference to the earlier proceedings.*

(i) *Another fact that that has been suppressed by the appellant is that she had in the year 2009 settled an extent of 203 sq.ft in favour of her sister and despite knowing about the pendency of the earlier suit, she has waited for a period of 21 years to come forward with an application to condone the delay in filing the petition stating that she has no contact with the defendants 4 and 5.*

(j) *The very same counsel who has appeared on behalf of the plaintiff had prepared the settlement deed and registered the same.*

(k) *In 2005 5 CTC 302, the Hon'ble Supreme Court has clearly held that the son and the daughter are equal and co-parcenary properties are available to both of them.*

13. Heard the learned counsels on both sides and perused the



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materials available on record.

14. The plaintiff's primary plea in the suit is that the earlier suit O.S.No.3050 of 1993 is based on fraud. The reasons for stating so are the following reasons:

a) *Nagammal, the paternal grandmother of the plaintiff did not have any right in respect of the property and therefore, the defendants 1 to 3 have based their claim on totally false averments. The claim of the defendants 1 to 3 to the suit property is without basis.*

b) *Only Durairajan had a right to the property, since he was the only male legal heir of Govinda Naicker. The said Govinda Naicker had died in the year 1948, at which point of time, the Hindu Succession Act, 1956 had not even been enacted.*

c) *The claim of the defendants 2 and 3 that the said Nagammal alone had a right to the suit property had not been substantiated and further entry in all tax register / tax receipts and in the Mortgage Deed would*



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not confer title on her.

15. The defense on the other hand is that the said Durairajan and his mother Nagammal have together enjoyed the property and have together executed a Mortgage Deed only on account of the fact that the said Nagammal had a right to the same. Further, the defendants 1 to 3 had filed the earlier suit O.S.No.3050 of 1993 for partition of their half share impleading the plaintiff and the defendants 4 and 5 as parties to the said suit. The defense of the 4th defendant who was arrayed as the 1st defendant in the suit was that she did have any right to the property, as she has already released her share in the property in favour of her daughters who were impleaded as defendants 2 and 3 therein. The 2nd defendant therein who is the 5th defendant in the instant suit had filed a written statement denying the claim of the plaintiffs therein. The plaintiff / 3rd defendant therein on the other hand had remained *ex-parte*. After contest, the suit was decreed, against which, the defendants 1 and 2 therein who are defendants 4 and 5 herein had filed an appeal, wherein, the judgment and decree of the trial Court was reversed.



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Challenging the judgment and decree in A.S.No.59 of 2003, the defendants 1 to 3 who were plaintiffs in the earlier suit had filed a Second Appeal No.925 of 2005 before this Court, which also ended against them, against which, S.L.P(C) No.8685 of 2010 was filed by the defendants 1 and 2 therein, which was ultimately dismissed in the year 2013. The subsequent application moved by the plaintiff herein for setting aside the *ex-parte* decree with the petition to condone the huge delay of 4661 days in I.A.No.9305 of 2013 in O.S.No.3050 of 1993 was also dismissed and the Civil Revision Petition filed challenging the said order in I.A.No.9305 of 2013 had also ended against the plaintiff. Therefore, the present suit is not maintainable.

16. The records would clear show that the earlier suit O.S.No.3050 of 1993 which is sought to be declared as null and void in the present present proceedings had been filed against the defendants 4 and 5 and the plaintiff. The plaintiff was arrayed as the 3rd defendant therein. The suit was one for partition of ½ share of the defendants 1 to 3 herein in the suit property. The defendants 4 and 5 had entered appearance and filed their written statement.

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In the earlier suit, the 5th defendant had taken a defense that the property belonged to them exclusively and that the plaintiffs therein, namely, the defendants 1 to 3 herein did not have any right to the property. She had taken a defense that the property devolved on her father through this father and the property was an ancestral one. Therefore, the very same plea that is now taken by the plaintiff has already been taken by the 5th defendant in the earlier proceedings. In the earlier suit, the trial Court, namely, VII Assistant City Civil Court, Chennai had returned the findings that the property belonged to Nagammal exclusively and that on her death, the property would devolve equally upon her son, Durairajan and Andalammal's legal heirs and thereby granted the decree for partition. The judgment was passed after contest. Challenge to the said proceedings in A.S.No.59 of 2003 by defendants 4 and 5 herein ended in their favour. The appeal suit was allowed in favour of the defendants 4 and 5 herein, which was challenged by defendants 1 to 3 before this Court by filing Second Appeal No.925 of 2005, which went in favour of the defendants 1 to 3 herein. The defendants 4 and 5 had challenged the said judgment and decree before the Hon'ble Supreme Court in S.L.P(C).No.8685



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of 2010, which was dismissed in the year 2013. Therefore, the decree for partition had attained finality.

17. The records would indicate that after the dismissal of S.L.P, the plaintiff herein has filed I.A.No.9305 of 2013 to set aside the *ex-parte* decree passed in O.S.No.3050 of 1993 on 16.07.2002, ie., nearly 11 years after the passing of the decree. The said I.A. was dismissed, against which, Civil Revision Petition No.2048 of 2014 was preferred by the plaintiff herein. By order dated 16.06.2014, this Court was pleased to dismiss the revision. While dismissing the said revision, the learned Judge has observed as follows:-

“This case is an abuse and misuse of process of law and this kind of litigation should not be entertained and if it is entertained, the justice delivery system would be made mockery. Therefore, this Civil Revision Petition fails and as a determinant measure, heavy cost has to be slapped on the petitioner. However, due to judicial constraint, this court is not awarding any cost.”

After dismissal of the revision, with such a strong condemnation, the plaintiff



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has filed the present suit on 16.08.2014. The present suit is nothing but a re-litigation and an abuse of process of court. The plaintiff has come to Court suppressing the details of the earlier proceedings in her plaint. In the suit, she would plead that after 1989, when she had left Chennai, she had not stepped into the city thereafter till 2013 and for the first time, she had come to Chennai to look up her mother, who was convalescing. During this visit, her mother had disclosed the details of the earlier suit. However a perusal of Ex.A11-Settlement deed dated 23.07.2009 would show that the plaintiff had come over to Chennai in the year 2009 to execute the settlement deed in favour of the 5th defendant in respect of 203 sq.ft in the suit property from out of her share in the suit property. In the year 2009, the Second Appeal challenging O.S.No.3050 of 1993 was still pending, there is no explanation as to why there is no reference to this fact in her plaint and further, as to why she had not been apprised about the pendency of the proceedings at that time. Further though the plaintiff would claim that the property had been released by her mother in the year 1988 in favour of her sister and herself, namely, the 5th defendant, no steps whatsoever has been taken by them to

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transfer the tax in their names. The suit for partition was filed only in the year 1993. It is seen that in the suit O.S.No.3050 of 1993, the very same defense has been taken, namely, that the suit property was an ancestral property and that Durairajan had a right to the property. After contest, this defense has been over thrown not only by the trial Court but by this Court as well in S.A.No.925 of 2005 and this judgment has attained finality with the Hon'ble Supreme Court dismissing the S.L.P. To add further, the application moved by the plaintiff to set aside the *ex-parte* decree has also been dismissed and confirmed in revision.

18. Having lost before all the Courts, the plaintiff has filed the suit on the ground of fraud and the allegations of fraud are that despite the property not being that of Nagammal, the defendants 1 to 3 have filed the suit for partition claiming so and the second ground was that the signature in the mortgage deed would not confer title. These defenses had already been taken by the 5th defendant and rejected in the earlier proceedings after contest. Therefore, the present suit is nothing but a vexatious suit, a re-



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litigation and an abuse of process of Court. The conduct of the plaintiff also leaves much to be desired. She had waited till the disposal of the Special Leave Petition to file her set aside application with delay. Likewise this suit has been filed only after the dismissal of C.R.P.No.2048 of 2014. In the revision petition, the learned judge had observed that costs have to be imposed on the plaintiff for re-litigating, despite such a strong observation, the plaintiff has once again set in motion the legal machinery and therefore, this Court is dismissing this Second Appeal with costs throughout and further costs of Rs.25,000/- (Rupees twenty five thousand only) on the plaintiff for instituting this vexatious suit, which payment shall be made to the defendants 1 to 3 within a period of 4 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2022

Index : Yes/No
Speaking order/non-speaking order
srn

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To

1. The XVI Additional Judge,
City Civil Court, Chennai
2. The XII Assistant City Civil Court, Chennai
3. The Section Officer, V.R.Section, High Court, Madras.



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