



S.A. No.632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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C.Govindaraj (died)

1. Suseela
2. Nalayani @ Nalina
3. Lakshmi
4. Parvathy
5. Kirushnaveni
6. Vasuki
7. Menaga

... Appellants

Vs.

K.Govindaraj (died)

1. Sarasu
2. Vijaya
3. Sankar
4. Kumaran

Siva @ Sivanandhan (died)

5. Boomi
6. Sarasu

Karunakaran (died)

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7. Deepa

8. Minor Aravindan

9. Minor Anandhi

.. Respondents

PRAYER : Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the judgment and decree dated 01.11.2022 passed in A.S.No.9 of 2022 on the file of Principal Subordinate Judge, Vellore confirming the judgment and decree dated 30.11.2021 passed in O.S.No.248 of 2008 on the file of Addl. District Munsif Court, Vellore.

For Appellants : Mr.S.Raja Ravi Varma

JUDGMENT

The appellants/plaintiffs have filed a suit in O.S.No.248 of 2008 against the respondents/defendants seeking for the relief of declaration to declare the title over the suit property stating that their parents have purchased the property. Pending suit, Govindaraj died and after his demise, the plaintiffs, who are his legal heirs, have contested the suit. Before the trial court, they have not filed any document to prove that the suit property belong to their parents. However, they relied Ex.A1, it was



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the certificate issued by the court marked as Ex.A1 dated 06.02.1928, which is only a sale certificate issued by the court except that there is no title deed produced on the side of plaintiffs to prove their title. So, the courts below have not accepted the claim of plaintiffs that they are the owners of property and suit was dismissed as they have not proved their title. Against which, they preferred an appeal in A.S.No. 9 of 2022 before the Principal Subordinate Judge, Vellore and the first appellate judge independently analysed the facts and evidence and concludes that Ex.A2 also as a document relied on by the plaintiffs in order to prove their title over the property, but it is only a bond issued by the society. Based on that Ex.A2, the first appellate court had not accepted the claim of plaintiffs and dismissed the appeal confirming the findings of trial court. Challenging the said findings, the plaintiffs have preferred this Second Appeal.

2. The learned counsel for appellants would submit that the courts below failed to appreciate Ex.A2, which proves the fact that the parents of plaintiffs deposited the title deed into the bank while availing loan. According to appellants' counsel, parents of plaintiffs have purchased the



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property in the year of 1928. So, they have given sale certificate and even in their pleadings, the plaintiffs have stated that their parents purchased the property as they approached the court to prove their case beyond reasonable doubt by producing title deed, but they have not produced any title deed. Only the sale certificate issued by the court and the bond issued by the society were produced, which are not valid documents. Therefore, the courts below rightly appreciated the facts, which needs no interference. Hence, I do not find any merit in this Second Appeal as there is no substantial question of law involved. Accordingly, this Second Appeal is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
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To

Sub-Judge, Vellore.



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T.V.THAMILSELVI, J.

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