



S.A. No.816 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED :21.12.2024

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

S.A.No.816 of 2024

Haridoss Reddiar

... Appellant

Vs

1.Rajasekar Reddiar

2.Rajeswari

3.Kasthuri

4.Vijayananthi

... Respondents

**PRAYER :** Second Appeal is filed under Section 100 of the Code of Civil Procedure, prayed to set aside the Judgment and Decree passed in A.S.No.26 of 2010 dated 22.08.2023 on the file of the learned Sessions Judge Mahila Court, Kanchipuram District, Chengalpattu, confirming the Judgment and decree dated 05.02.2010 in O.S.No.148 of 2001 on the file of the Subordinate Court, Madurantakam.

For Appellants : Mr.A.Prabhakaran

For Respondents : Mr.M.Venkatakrishnan

**JUDGEMENT**

The appellant/plaintiff has preferred this Second Appeal against the Judgment and decree passed in A.S.No.26 of 2010 dated 22.08.2023 on the file of the Sessions Judge, Mahila Court, Kanchipuram District,



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Chengalpattu, confirming the Judgment and decree dated 05.02.2010 in O.S.No.148 of 2001 on the file of the Subordinate Court, Madurantakam.

2. For the purpose of convenience, the parties herein are referred to as they are ranked in the suit.

3. Challenging the concurrent findings of the Courts below, the appellant / plaintiff has filed this appeal.

4. Jayaram Reddiar owned ancestral properties, in which Jayaram Reddiar and his two sons, namely, the plaintiff and the first defendant, entered into a partition in 1995. In this partition, 80 cents were allotted to each of them, the plaintiff, the first defendant, and their father. Separately, 80 cents allotted to the father were subsequently given to the first defendant through a settlement deed, on 22.05.1997.

5. The plaintiff is now challenging the validity of the above said settlement deed. However, the partition was already admitted, and items 2



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and 3 of the suit properties are the self-acquired properties of the plaintiff's father. Since the said properties were self-acquired, the father had full authority to transfer them as he wished. Therefore, the plaintiff has no right to claim a share in the entire suit properties.

6. Item Nos. 1 and 4 of the suit properties were already partitioned, and Item Nos. 2 and 3 are self-acquired properties of the father. Consequently, there is no ancestral property available for partition. The Trial Court had rightly dismissed the suit, and the same was affirmed by the First Appellate Court. Therefore, nothing survives for consideration in the present appeal.

7. Accordingly, this Second appeal is dismissed. There shall be no order as to costs.

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Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

1. The Sessions Judge, Mahila Court, Kanchipuram District, Chengalpattu.
2. The Subordinate Court, Madurantakam.
3. The Section Officer, VR Section, High Court of Madras.



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**T.V.THAMILSELVI, J.**

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