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S.A. No.639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

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

S.A.No.639 of 2024

1.Perumal
2.Ganesan
3.Sivamurugan
4.Venkatesan

... Appellants

Vs

Kuppu

... Respondents

PRAYER: Second Appeal filed Under Section 100 of the Civil Procedure Code, against the Judgment and decree passed by the learned I Additional District Judge, Tindivanam in A.S.No.1 of 2019 dated 16.08.2023 in confirming the decree and judgment passed by the learned Subordinate Judge, Gingee in O.S.No.70 of 2013, dated 21.09.2017.

For Appellants : Mr.V.R.Appaswamee

JUDGMENT

The appellants have filed this Second Appeals against the Judgment and decree passed by the learned I Additional District Judge, Tindivanam in A.S.No.1 of 2019 dated 16.08.2023 in confirming the decree and judgment



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passed by the learned Subordinate Judge, Gingee in O.S.No.70 of 2013,
dated 21.09.2017.

2. Challenging the concurrent findings of the Courts below, the defendants have preferred this second appeal.

3. For the sake of convenience, the parties are referred to as they were ranked in the suit.

4. The entire facts reveals that the plaintiff purchased the property from 1st defendant. As she is illiterate, the correct Survey number was not mentioned in the property documents. After the purchase, she put up a thatched house and residing there. The hut was later damaged, and when she attempted to construct a new structure, the 1st defendant caused interference, despite having executed documents in favour of the plaintiff long back in 1985. If the Survey number was incorrectly mentioned by the 1st defendant, which was rightly observed by the learned trial Judge. Based on the documents relied upon by the plaintiff, she has proven herself to be the



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absolute owner of the property.

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5. The defendant has no right, even if the Survey number was wrongly mentioned, as the mistake was committed by the defendants and the same can be rectified. This was also rightly observed by the Courts below, requiring no interference.

6. There is no Substantial Questions of law involved and therefore. the Second Appeal is not fit for admission.

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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T.V.THAMILSELVI, J.

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To

1. The I Additional District Judge, Tindivanam.
2. The Subordinate Judge, Gingee
3. The Section Officer, VR Section, High Court of Madras.

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