



S.A.No.1071 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

S.A.No.1071 of 2009

- 1 Ariyammal
- 2 P.Anbu Chezhan
- 3 P.Paari

... Appellants

vs.

R.Chenrayan

..Respondent

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code against the decree and Judgment dated 20.07.2009 in A.S.No.5 of 2008 on the file of the Principal Sub Court, Krishnagiri confirming the decree and Judgment dated 01.12.2005 in O.S.No.14 of 2004 on the file of the Additional District Munsif, Krishnagiri.

For Appellants : Ms.Selvi George
For Respondents : Mr.B.Bharath Kumar for
Mr.V.Nicholas

JUDGMENT

The defendants in O.S.No.14 of 2004 on the file of the Additional District Munsif Court at Krishnagiri are the appellants herein. The suit in O.S.No.14 of 2004 has been filed by the respondent herein, seeking declaration of title with respect to the suit properties and to direct the defendants to deliver the vacant possession and to grant mandatory



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injunction against the defendants to demolish and to remove the asbestos sheet and the Machineries in item no.1 of the suit schedule property.

2. In the Schedule to the plaint, the first item of the suit property has been given as a building in Survey no.171/2 measuring about 100 sq.ft., at Boganapalli Village in Krishnagiri. The second item of the suit property is situated in Survey nos.710 and 708 which includes land and building at door No.121/Old No.95 of Vediappan Kovil Street, Anna Nagar, Krishnagiri .

3. Both the Trial Court and the first Appellate Court had granted the relief so far as item no.1 is concerned, but dismissed the suit with respect to item no.2. Both the Courts below had relied on the evidence of P.W.2, Ariyammal, the grandmother of the parties who had executed the Gift Settlement deed so far as item no.2 is concerned. Even with respect to item no.1 the Courts have granted an undivided 1/5th share to the plaintiff and not the property in entirety. Questioning the Judgment of the trial Court, A.S.No.5 of 2008 had been filed before the Principal Subordinate Judge, Krishnagiri which Court confirmed the Judgment and



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Decree of the Trial Court. The defendants have filed an appeal primarily against the grant of decree with respect to item no.1 of property.

4. The learned counsel for the appellants stated that the appellants have not given necessary instructions. At any rate, the appellants have the benefit of declaration of recognizing their right and title over the second item of the suit property.

5. The Appeal has not been admitted. No substantial question of law arises for consideration. The appeal stands dismissed. No costs.

10.07.2025

vum

Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes / No

To

1. The Principal Sub Court, Krishnagiri
2. The Additional District Munsif, Krishnagiri.
3. The Section Officer, VR Section, High Court, Madras.



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