

S.A. No.268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.04.2025

CORAM

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

S.A.No.268 of 2025
and
CMP.No.8104 of 2025

1.Revathi

Thangaprakasam (Died)
(No LRs added)

...Appellant

Vs

Saroja

... Respondent

PRAYER: Second Appeal filed Under Section 100 of the Civil Procedure Code, against the Judgment and decree dated 20.09.2024 made in A.S.No.1 of 2024, on the file of Subordinate Court, Karaikal, confirming judgement and decree dated 03.04.2023 made in O.S.No.118 of 2009 on the file of Additional District Munsif Court, Karaikal.

For Appellants : M/s.H.Kavitha



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JUDGMENT

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The appellant has filed this appeal to set aside the judgment and decree dated 20.09.2024 made in A.S.No.1 of 2024, on the file of Subordinate Court, Karaikal, confirming judgment and decree dated 03.04.2023 made in O.S.No.118 of 2009 on the file of Additional District Munsif Court, Karaikal.

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

3. Challenging the concurrent findings of the courts below, the defendant has preferred this appeal.

4. The plaintiff filed a suit before the trial Court seeking permanent injunction against the defendant, who attempted to interfere with her possession and enjoyment of the suit property. The plaintiff claimed that the suit property originally belonged to her father, Appavu. After his demise, as his daughter, she possessed and enjoyed the property.



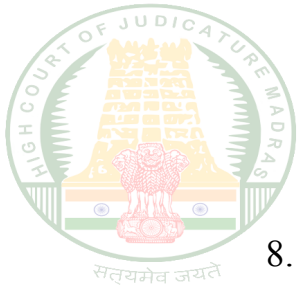
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5. However, the defendant claimed that she was also a daughter of the plaintiff's parents, namely Appavu and Veerammal. The facts reveal that the defendant was not born to Appavu and Veerammal but she is the daughter of one Mariappan and Veerammal. Mariappan was Veerammal's first husband, through whom the defendant was born.

6. The plaintiff successfully proved that the suit property stood in the name of Appavu, who was the original assignee. As per Section 17 of the Puducherry Occupants of Kudiyirupu (Conferment of Ownership) Act, the property is heritable. Accordingly, as a legal heir of Appavu, the plaintiff is enjoying the suit property.

7. Therefore, the first defendant/appellant is not a daughter of Appavu and Veerammal and is not entitled to claim any right or title over the suit property. The Courts below rightly observed this, and no interference is required, as no substantial question of law is involved.



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8. Accordingly, there is no merit in this appeal, and it is dismissed.

The findings of the courts below are confirmed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

02.04.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

1. The Subordinate Judge, Karaikal.
2. The Additional District Munsif, Karaikal.
3. The Section Officer, VR Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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