

S.A. No. 545 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.09.2025 : Pronounced on 15.10.2025

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CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

S.A. No. 545 of 2011
and M.P. Nos. 1 & 2 of 2011
and C.M.P. Nos. 20983, 20987 and 20993 of 2011

Regina (died)

1.Aireth
2.Yvonne
3.Essa Aime

...Plaintiffs /Appellants

Vs.

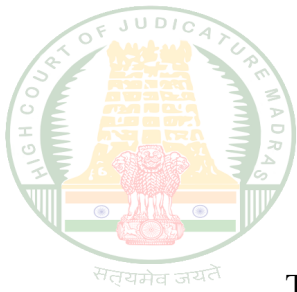
Cadirone Marie Jeacquiline

...Defendant/Respondent

PRAYER: Second Appeal is filed under section 100 of the Code of Civil Procedure, 1908, to set aside the judgment and decree dated 06.09.2010 made in A.S. No. 115 of 2006 on the file of the III Additional District Judge, Puducherry, confirming the judgment and decree dated 21.06.1996 made in O.S. No. 291 of 1995 on the file of the I Additional Sub Judge, Pondicherry.

For Appellants : Mr.C.A.Diwakar

For Respondent : Mr.Sarathchandran for Mr.S.N.Ravichandran and
M/s.S.Sathiachandran



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J U D G M E N T

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The Second Appeal has been preferred by the appellants /plaintiffs challenging the judgment of the III Additional District Judge, Puducherry dated 06.09.2010 in A.S. No. 115 of 2006 confirming the judgment of the I Additional Sub Judge, Pondicherry dated 21.06.1996 in O.S. No. 291 of 1995.

2. The short facts pleaded by the plaintiffs in the plaint are as under:

2.1. The suit schedule properties originally belonged to one Thambusamy, who is the father of the plaintiffs, by virtue of a registered sale-deed dated 26.07.1962. The sale consideration was paid by Thambusamy from the sale proceeds he had in his hands by selling his other lands. Thambusamy was working as Bureau Militarie at Pondicherry from the year 1921 and he got retired in the year 1937. He was a pensionary till his death and post retirement, he was working as Head Watchman in Swedeshi Cotton Mill, Pondicherry from the year 1938 to 1949. The plaintiffs' mother was also working in Anglo French Textile, Pondicherry. The plaintiffs' father was also working in the office of Percepature Bureau from the year 1950 to 1963 and he was in enjoyment of the properties purchased by him till his death. One of the son of the Thambusamy,



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viz., Cadirone Pichamouthou, died on 20.07.1976 leaving behind his wife, Cadirone Marie Jeaqueline, who is the respondent herein, and his children.

2.2. The defendant filed a suit in O.S. No. 269 of 1978 on the file of the II Additional Sub Judge at Pondicherry for declaring that the sale-deeds dated 07.01.1954, 17.07.1957, 08.01.1958 and 26.07.1962 in the name of Thambusamy, which includes the above suit properties, were benamis and it was actually purchased by her husband Cadirone Pichamouthou.

2.3. Thambusamy filed written-statement by denying the allegations. These plaintiffs were not added as parties to the above suit.

2.4. During the pendency of the suit, the plaintiffs' father Thambusamy fell sick and got bed ridden and he was affected with paralysis. Taking undue advantage of the circumstances, the defendant misrepresented and obtained thumb impression of Thambusamy when he was in a fit state of mind and misrepresented that he had to submit to decree.

2.5. On playing fraud upon the Court, a judgment was obtained in O.S. No. 269 of 1978. The date of decree was on 23.06.1980. The



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above decree will not bind the interest of plaintiffs in the suit properties. Hence, the plaintiffs have filed a suit seeking declaration that the plaintiffs are the absolute owners of the 1st item of the suit schedule property as per Will dated 03.07.1978 and pass a preliminary decree for partition of the 2nd item of the suit schedule property into four (4) equal shares and allot 3/4th share to the plaintiffs and declare that the judgment and decree dated 23.06.1980 passed by the II Additional Sub Judge, Pondicherry in O.S. No. 269 of 1978 is void and it will not bind the plaintiffs and it is inoperative in respect of 4th item of suit property in O.S. No. 269 of 1978.

3. The brief averments in the written statement of the defendant are as under:

3.1. The deceased Thambusamy was the father-in-law of the defendant. The defendant's husband Cadirone Pichamouthou was employed in French Military Service and he was sending huge amounts to his father to purchase the properties. So various properties were purchased in the name of Thambusamy by using

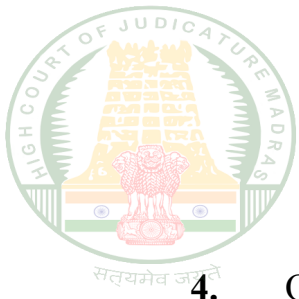


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the money sent by the defendant's husband on 17.07.1951, 07.01.1964, 08.01.1958 and 26.06.1962. After retirement, when Cadirone Pichamouthou came to India and enquired his father about the purchase of the properties, Thambusamy apologized for having purchased the properties in his own name and therefore, he had executed a Will in favour of Cadirone Pichamouthou in the year 1974. Unfortunately, Cadirone Pichamouthou pre-deceased his father in the year 1976.

3.2. Thereafter, the plaintiffs had the custody of their father. On the misguidance of the plaintiffs, Thambusamy started to interfere with the peaceful possession and enjoyment of the defendant in the suit property. Hence, the defendant along with their 6 minor children had filed O.S. No. 269 of 1978 on the file of the II Additional Sub Judge, Pondicherry as against Thambusamy.

3.3. Even though Thambusamy had appeared through a counsel and filed a written statement in the year 1980, he wanted to have a peaceful death and he confessed the whole truth and hence, on 23.06.1980 he submitted to decree. Accordingly, the suit was decreed. All other allegations stated in the plaint are false. Hence, the suit should be dismissed.



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4. On the basis of the above pleadings, the following issues are framed:-

“1. Whether the suit has not been properly valued and correct court fee has not been paid?

2. Whether this suit is barred by limitation?

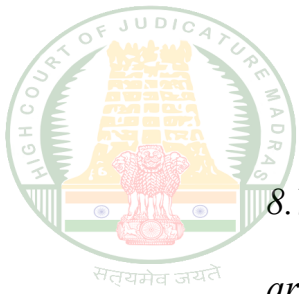
3. Whether the Judgment and Decree in O.S. No. 269 of 1978 dated 23.06.1980 passed by the II Additional Sub Court, Pondicherry was passed based on the unconscious endorsement of submitting to decree made by the Thambusamy the defendant in that suit? If so, whether the said Judgment and Decree are null and void?

4. Whether the suit properties were purchased by Thambusamy from out of his own income?

5. Whether the deceased Thambusamy bequeathed item No.1 of the suit properties in favour of the plaintiffs as per the Will dated 03.07.1978? If so, whether the said Will is valid?

6. Whether the 2nd item of the suit property is liable for partition? If so whether the plaintiffs are entitled for 3/4th share in it?

7. Whether the plaintiff is entitled to get declared that the judgment and decree dated 23.06.1980 of II ASJ Court Pondicherry as null and void?



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8. Whether the plaintiffs are entitled to get a declaration that they are the absolute owners of the I item of the suit property?

9. Whether the plaintiffs are entitled for a preliminary for partition of the second item of the suit properties?

10. To what relief the plaintiff is entitled?

5. During the course of trial, on the side of the plaintiffs, the 3rd plaintiff was examined as P.W.1 and Exs.A1 to A18 documents were marked and on the side of the defendant, two witnesses were examined as DW1 and DW2 and Exs.B1 to Ex.B34 were marked.

6. On the conclusion of trial, considering the evidences available on both sides, the trial Court had dismissed the suit. Hence, the plaintiffs preferred a First Appeal before the First Appellate Court. The First Appellate Court has dismissed the said First Appeal by confirming the judgment of the trial Court. Aggrieved over the same, the plaintiffs have filed the present Second Appeal.

7. The second appeal has been filed by raising the following substantial questions of law.

1. whether the suit seeking to set aside the judgment and decree in O.S.



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No. 269 of 1978 dated 23.06.1980 is barred by law of limitation?

2. Whether the admission of the defendant in O.S. No. 269 of 1978 and the subsequent judgment in O.S. No. 269 of 1978 dated 23.06.1980 would be protected under illustration (e) of Section 114 of the Indian Evidence Act, 1872?

8. Submission of the appellants:-

8.1. The learned counsel for the appellants submitted that the trial Court has relied on the presumption under Section 114(e) of the Indian Evidence Act by ignoring the facts that it is rebuttable presumption. The impugned judgment is not a judgment within the definition of Section 2(9) of Code of Civil Procedure and even if it is an ex parte judgment under Order VIII Rule 10, it should follow the requirement of Section 2(9) read with Order XX Rule 4(2) of Code of Civil Procedure.

8.2. The judgment dated 23.06.1980 does not apparently satisfy the requirement of Order 20 Rule 4(2) of Code of Civil Procedure read with Sections 2(9) and 33 of the Code of Civil Procedure. Nothing is seen in the judgment clarifying the identity of the party by the counsel. In fact, the counsel for the defendant in O.S.



No.269 of 1978 has reported no instructions. The impugned judgment is surrounded by suspicion.

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8.3. The judgment was kept unimplemented and it came to the knowledge of the appellants only in the year 1994-1995 when the respondent started to obstruct appellants' enjoyment of the property. The Will dated 14.09.1974 is not valid and that was denied by Thambusamy himself. Thambusamy was all along fighting in the suit by filing the written statement. Thambusamy has got his own valuables to purchase the properties and that was not properly appreciated.

9. Submission of the respondent:-

9.1. The learned counsel for the respondent submitted that even though the appellants claimed a Will dated 03.07.1978, that was not produced before the Courts below. The respondent has proved the Will executed by the Thambusamy in favour of her husband by examining the surviving attestors. The appellants have filed a suit after 15 years from the date of the respondent's father-in-law and 17 years from the date of institution of the suit in OS. No. 269 of



1978.

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9.2. The father-in-law of the respondent, viz., Thambusamy has submitted to decree by making an endorsement in the open Court and later in the year 1981, he passed away. The appellants ought to have filed a suit within three years from the date of the judgment, i.e., 23.06.1980, but they have filed a suit in the year 1995, which is barred by limitation. There is no specific pleading in the plaint about the date of knowledge.

9.3. The validity and the genuineness of the endorsement and the sound and disposing state of mind of Thambusamy were analyzed in detail by the Trial Court in its judgment. When the presumption under Section 114(e) of the Indian Evidence Act is in favour of the respondent, it is for the appellants to discharge their burden of rebutting the presumption, but they have not done so. This is not a matter of compromise, but a submission to decree by Thambusamy in the open Court.

9.4. The alleged Will dated 03.07.1978 has not been probated as per Section 213 of the Indian Succession Act as it is said to have been executed by a person belonging to a Christianity. Thambusamy originally executed a Will dated 14.09.1974



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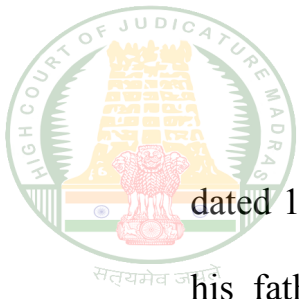
bequeathing the properties in favour of his son, viz., Cadirone

Pichamouthou, who is the husband of the respondent. The husband of the respondent pre-deceased his father. As the father of the appellants have submitted to decree on 23.06.1980, the alleged Will dated 03.07.1978 will automatically get revoked as their father did not have any property to bequeath.

9.5. As the respondent is in possession and enjoyment of the properties, the suit ought to have been properly valued and proper court fee ought to have been paid, but that was not done by the appellants.

9.6. As the Trial Court and the First Appellate Court have rightly appreciated the facts and law, the second appeal has to be dismissed.

10. The relationship between the appellants and the respondent is not denied. The contention of the respondent in the earlier suit in O.S. No. 269 of 1978 is that the property of that suit is purchased by her husband by sending money to his father Thambusamy, but Thambusamy had purchased the properties in his own name. Even though Thambusamy had written a Will



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dated 14.09.1974 in favour of the husband of the respondent, he pre-deceased his father. As Thambusamy lived under the custody of his daughters, he started to disturb the enjoyment of the respondent in the suit property and that had paved the cause of action for the earlier suit in O.S. No. 269 of 1978.

11. Though Tahmbusamy, who is the father in law of the respondent, had initially contested the suit by filing the written statement, he later submitted to decree and on his submission made on 23.06.1980, a decree had been passed in favour of the respondent and her children. In fact, Thambusamy died on 18.06.1981. After 15 years from the death of Thambusamy and 17 years from the date of institution of the suit in O.S. No. 269 of 1978 and 15 years from the date of decree, i.e., 23.06.1980, the appellants had filed a suit in the year 1995.

12. There is no doubt that the suit ought to have been filed within 3 years from the date of decree i.e., 23.06.1980. However, the appellants claimed that they had the knowledge about the decree itself only in the year 1994-1995 and the suit had been filed within the period of limitation. On perusal of the pleadings made in the plaint filed by the appellants, especially in the cause of action paragraph, it had not been stated that they came to know about the



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existence of the decree in O.S. No. 269 of 1978 dated 23.06.1980 in the year 1994 and hence, the cause of action started to run from the year 1994. Even in the other pleadings, there is no specific averment that the appellants had come to know about the decree only in the year 1994-1995. The appellants have contended that they have been paying property tax from the year 1978 to 1995 and thereafter, they came to know about the decree. Even in the said vague statement made in the plaint, it is not stated what prompted them to know about the decree somewhere in the year 1994-1995. The third plaintiff, who was examined as PW1, has also not stated anything in chief examination that the appellants came to know about the judgment only in the year 1994-1995.

13. The brother of the appellants, who is the husband of the respondent, has been working in French Military Service and his father himself had written a Will in his favour in the year 1974, but he pre-deceased his father and hence, the circumstances have changed. In view of that, the respondent was prompted to file a suit to save her interest and interest of their children in the suit properties.

14. In the evidence of PW1, who is the 3rd plaintiff in O.S. No. 291 of 1995, she has stated that after the respondent's husband died, there was some quarrel



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arose between the respondent and Thambusamy, who is her father, and thereafter, her father lived with her till his death. Though it is claimed by the PW1 that Thambusamy was staying at her home and he was not going to Court, she has stated in her evidence that the respondent had taken Thambusamy and obtained signature according to her convenience. So, the above evidence would only mean that Thambusamy was in the custody of the 3rd plaintiff in O.S. No. 291 of 1995, but he was able to move from one place to another place. She has further given the explanation that she came to know that the respondent had taken her father and when she came back from her school in the evening, she was informed about that incident by her neighbours. Despite the 3rd plaintiff in O.S. No. 291 of 1995 had obtained information from the neighbours about her father's outing with the respondent, she did not choose to enquire her father about the same.

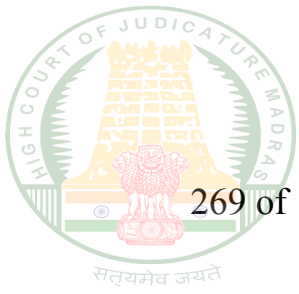
15. Further, in the cross-examination, she has stated that one Rajakannu was working at her house and through him she came to know about the same in the year 1981 itself. When the father of the 3rd plaintiff in O.S. No. 291 of 1995 was not in cordial terms with the respondent and during that time, if the 3rd plaintiff in O.S. No. 291 of 1995 came to know that the respondent had taken her father somewhere during her absence, her spontaneous reaction



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would be to enquire her father about the events that had taken place during her absence. Her indifference would only show that she did not intend to enquire her father only because he was able to take his own decision. Both the Courts below had made an observation that Thambusamy had no confusion in his mind about settling the suit property in O.S. No. 269 of 1978 in favour of his son and he also expressed his desire by executing a Will in the year 1974 itself. Subsequent to the death of his son, when he came to the custody of the appellants, his mind was corrupted by the appellants and hence, it has necessitated the respondent to file a suit to declare that the properties belonged to her husband. As Thambusamy later realized it is not fair on his part to deny the entitlement of the respondent and her children, he came forward and submitted to decree.

16. It has already been observed that the 3rd plaintiff in O.S. No. 291 of 1995 despite having knowledge about her father's involvement with the respondent in the year 1980 and he went out with her during her absence, she did not bother to ask him regarding that. It appears that the appellants also did not mind to make any counter claim to the suit properties involved in O.S. No. 269 of 1978. Only as an after thought, the suit in O.S. No. 291 of 1995 had been filed all of a sudden saying that the decree passed in the suit in O.S. No.

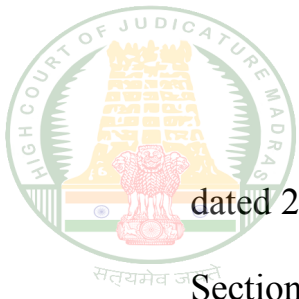


269 of 1978 is not valid.

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17. There are probabilities established by the respondent from the evidence adduced by PW1 during her cross-examination that she could have the knowledge about the suit proceedings in the year 1980. In such case, the appellants ought to have established the contrary. The appellants neither made any specific averments in the plaint that they had the knowledge about the judgment and decree passed in O.S. No. 269 of 1978 nor let in any evidence to show that they had the knowledge about the decree only in the year 1994-1995. Without establishing the fact that the appellants came to know about the decree only in the year 1994-1995, the appellants cannot claim that the suit is filed within the period of their knowledge and hence, within limitation. In the absence of any proof for the date of knowledge, the period of limitation will start to run from the date of decree, i.e., on 23.06.1980. As the suit has not been filed within 3 years from the year 1980, it is clearly barred by limitation and hence, the findings of the both the Courts below on this aspect does not require any interference. **In view of the above discussion, the first question of law is answered against the appellants.**

18. The next contention of the appellants is that the judgment and decree



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dated 23.06.1980 in O.S. No. 269 of 1978 is not protected under illustration of

Section 114(e) of the Indian Evidence Act, which reads as follows:-

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“114. Court may presume existence of certain facts.-....

The Court may presume-

(a)....

(b)....

(c)....

(d)....

(e) that judicial and official acts have been regularly performed;

....

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before it: —

....

as to illustration (e) — a judicial act, the regularity of which is in question, was performed under exceptional circumstances;”

19. Hence, it must be presumed that the judicial and official acts have been regularly performed, unless there is evidence to the contrary. As there is a rebuttable presumption, opposing party can present evidence to prove that the



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act was not performed as presumed.

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20. Even though the appellants have claimed that the judgment and decree dated 23.06.1980 has been obtained by fraud, the fact remains that the judgment and decree passed by the II Additional Sub Court, Pondicherry are very much genuine. In the judgment, which has been marked as Ex.A16, the Court had observed that when the suit in O.S. No. 269 of 1978 was taken on 23.06.1980, the counsel for the defendant therein filed a memo reporting no instructions from his client. However, the Court observed that the plaintiff No.1 therein is present and represented her minor children and the defendant therein is present and submitted to decree.

21. It is the contention of the appellants that in O.S. No. 269 of 1978, the counsel did not identify the defendant to the Court. In fact, the counsel for the defendant had reported no instructions on 23.06.1980, but the defendant was very much present. It is not as though the counsel for defendant had reported no instructions and the defendant had been to the Court on a different date and hence, he could not have been identified by his counsel. The counsel's



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withdrawal of vakalat and the defendant's presence had occurred on the same day and hence, it is not necessary to presume the impossibility that the counsel for the defendant did not identify the defendant, viz., Thambusamy. In fact, the failure to instruct the counsel by the defendant itself would show that he did not have any inclination to contest the suit, but only to submit to decree. The important event unfolded before the Court on 23.06.1980 is that the defendant's counsel had reported no instructions, but the plaintiffs and the defendant were present and the defendant had submitted to decree and hence, that suit had been decreed subsequently.

22. As the above proceedings of the Court have been protected under illustration 114(e), it can be readily presumed that the judicial and official acts had been performed regularly. If there are probabilities against such initial presumption is available to the respondent in respect of Ex.A16 and Ex.A17, viz., judgment and decree, the burden of rebutting the same would be on the shoulders of the appellants, but the appellants did not prove before the Court that their father did not present on the alleged day and the plaintiffs in that suit had misled the Court.

23. In fact, the evidence of the PW1 in cross-examination adds more



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strength to the contentions of the respondent. As stated already, the PW1 had in the cross-examination deposed that the respondent had taken Thambusamy with her during the absence of the PW1, who came to know about the same through Rajakannu. So, there is every possibility and probability, apart from the benefit of presumption under Section 114(e), that Thambusamy could have been present in that Court in order to express his intention of submitting to decree. Even after Ex.A16 and Ex.A17, viz., judgment and decree, were passed, Thambusamy was alive for one more year. During that time, he did not care to file any proceedings to set aside the decree on the allegation that the respondent had committed fraud on him. In the absence of any rebutting evidence, the Courts, viz., the Trial Court and the First Appellate Court, do not have any other go, except to subscribe to the benefit of initial presumption under Section 114(e) by concluding it as a conclusive proof about the regularity of the judicial and official acts concerning the decree in O.S. No. 269 of 1978.

24. It is to be noted that the judgment was passed on compromise as the judgment passed in a submission to decree. It is needless to state that what transpired at the hearings and so recorded in the judgment are conclusive proof of the facts so stated. If a party thinks to contradict the same, the party

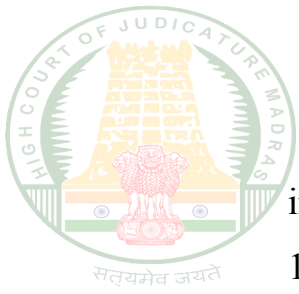


has to approach the very same judge in case there is any error. If nothing is pointed as to the error, there ends everything.

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25. In respect of the above aspect, I feel that it is appropriate to cite the judgment of the Supreme Court in *State of Maharashtra Vs. Ramdas Shrinivas Nayak and Another* reported in (1982) 2 SCC 463. In the said case, it is held that matters of judicial record are unquestionable and they are not open to doubt and we are bound to accept the statement of the judges recorded in the judgments. In this aspect, it is essential to extract the relevant paragraph of the judgment:-

“4. When we drew the attention of the learned Attorney-General to the concession made before the High Court, Shri A.K. Sen, who appeared for the State of Maharashtra before the High Court and led the arguments for the respondents there and who appeared for Shri Antulay before us intervened and protested that he never made any such concession and invited us to peruse the written submissions made by him in the High Court. We are afraid that we cannot launch into an enquiry as to what transpired in the High Court. It is simply not done. Public policy bars us. Judicial decorum restrains us. Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. “Judgments cannot be treated as mere counters in the game of litigation.” [Per Lord Atkinson



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in *Somasundaram Chetty v. Subramanian Chetty*, AIR 1926 PC 136 : 99 IC 742] We are bound to accept the statement of the

Judges recorded in their judgment, as to what transpired in court.

We cannot allow the statement of the Judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the Judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well-settled that statements of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the Judges, to call the attention of the very Judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. [Per Lord Buckmaster in *Madhu Sudan Chowdhri v. Chandrabati Chowdhrain*, AIR 1917 PC 30 : 42 IC 527] That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there. Of course a party may resile and an appellate court may permit him in rare and appropriate cases to resile from a concession on the ground that the concession was made on a wrong appreciation of the law and had led to gross injustice; but, he may not call in question the very fact of making the concession as recorded in the judgment.”



26. Hence, if a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party to call the attention of the very Judges who have made the record to the fact that a statement had been made in error and if no such step is taken, the matter must necessarily end there. Since the party who has submitted to decree has not raised any contention that there was some clerical error bound to be corrected, no other persons can question the genuineness and the validity of the judgment at any later point of time except in extraneous circumstances. Even in such case, such a suit should be brought within a period of limitation and on the case in hand, the suit itself has been hopelessly barred by limitation. **In such circumstances, the second question of law is answered against the appellants.**

27. Even though the learned counsel for the appellants submitted that the impugned judgment and decree will not fall under the definition of judgment under Section 2(9) read with Order XX Rule 4(2) of Code of Civil Procedure, the second appeal had not been admitted on the said ground and no substantial question of law has been made on the alleged shortfall.

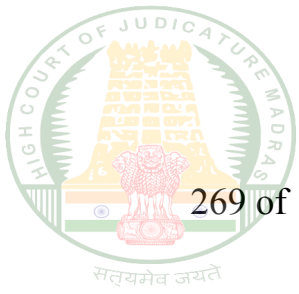
28. Decreeing the suit on submission of the defendant is a separate class of



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disposal which is distinguishable from an ex parte decree and the decree passed after contest. Hence, the appellants need not construe the type of decree passed in that suit as that of the ex parte decree or any other decree and argue that the essential features of the judgment and decree is found to be missing. As already stated, even such errors ought to have been pointed out by the parties to the proceedings and brought to the knowledge of the very same judge, when the things were in the memory of the said judge and not after several years by persons, who are not party to the suit.

29. Much ado was made about the Will said to have been executed by Thambusamy in favour of the appellants on 03.07.1978, but that Will is not valid in the eyes of law as it has not been probated as per the requirements of Section 213 of the Indian Succession Act and the original Will had been produced before the Court. Once Thambusamy had submitted to a decree in O.S. No. 269 of 1978, there remains no property to be bequeathed through the Will dated 03.07.1978. The act of Thambusamy by submitting to a decree subsequent to the date of the Will dated 03.07.1978 only sends a message that Thambusamy has revoked his earlier Will as he has chosen to confirm the title of the respondent over the suit properties. So, the alleged Will dated 03.07.1978 cannot be of any use in view of the judgment passed in O.S. No.



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30. It is also reiterated that this Court has not admitted any substantial question of law as to arguments now advanced by the learned counsel for the appellants with regard to the alleged non-fulfilment of the requirement of the judgment as defined under Section 2(9). As the defendant in O.S. No. 269 of 1978 did not contest the matter and he has submitted to decree, the judgment and decree does not fall under the type of judgment, which requires to set down the points for determination and to deal with the same.

31. As the Courts below had rightly appreciated the merits of the matter and had chosen to disallow the suit and the first appeal preferred by the appellants, the judgment and decree passed by the First Appellate Court confirming the judgment and decree passed by the Trial Court does not require any interference.

32. In the result, the second appeal is dismissed and the judgment dated 06.09.2010 of the First Appellate Court in A.S. No. 115 of 2006 confirming the judgment dated 21.06.1996 of the Trial Court in O.S. No. 291 of 1995 is confirmed. No costs. Consequently, connected petitions are closed.



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15.10.2025

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Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

Maya

To

1. The III Additional District Judge, Puducherry.
2. The I Additional Sub Judge, Pondicherry.
3. The Section Officer,
V.R. Section,
High Court, Madras.



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Dr.R.N.MANJULA, J.

Maya

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Dated : 15.10.2025