



A.S.Nos.205, 206 & 517 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 18.06.2025

Pronounced on: 03.07.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Appeal Suit Nos.205, 206 & 517 of 2022
& C.M.P.Nos.7431 & 12470 of 2022, 13191 of 2024

A.S.No.205 of 2022

1. Mr.G.Sivashanmugam,
Son of Late M.Govindasamy,
residing at No.83, Chowri Street,
Alandur, Chennai – 600 016.

2. Mr.G.Murugesan,
son of Late.M.Govindasamy,
residing at No.83, Chowri Street,
Alandur, Chennai - 600 016.

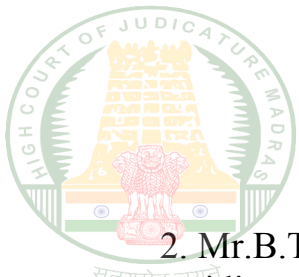
3. Mr.G.Rajendran,
Son of Late M.Govindasamy,
residing at No.83,
Chowri Street, Alandur,
Chennai - 600 016.

... Appellants/Plaintiffs

/versus/

Mr.V.Balasubramaniam (Died)

1. Mrs.B.Savithri,
No.43, Karpaga Vinayagar Koil Street,
Alandur Chennai-600 016.



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2. Mr.B.Thirugnanasambandan,
residing at No.23, Sanyasi Subedar Street,
Alandur, Chennai-600 016.

3. Mr.B.Santhalingam,
residing at No.23, Sanyasi Subedar Street,
Alandur, Chennai-600 016.

4. Mr.B.Sundaresan,
residing at No.23, Sanyasi Subedar Street,
Alandur, Chennai-600 016

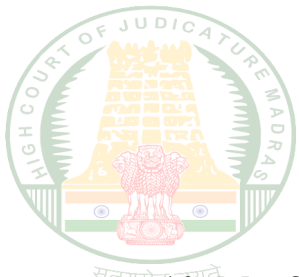
5. Mrs.B.Manjula,
residing at No.23, Sanyasi Subedar Street,
Alandur, Chennai-600 016

6. Mrs.B.Geetha,
residing at No.23, Sanyasi Subedar Street,
Alandur, Chennai-600 016.

7. Mr.A.Karthik,
No.33, Kamarajar Salai,
Vanniya Tenampet,
Chennai-600 018.

8. Mr.A.Rajeswari,
Kanni Koil Street,
Chithalapakkam, Tambaram Taluk,
Kancheepuram District

9.Mrs.Parvathi,
No.4/4, 4th Cross Street,
Kandasamy Nagar,
Karambakkam, Porur,
Chennai-600 116.



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10. Mrs.Samundeeswari,
No.12/1, Circular Road, United India Colony,
Kodambakkam, Chennai-24.

11. Mrs.Vijayarani,
No.12/1, Circular Road,
United India Colony, Kodambakkam,
Chennai-24.

12. Mr.G.Sivasankaran,
No. 15, 4th Street, Dr.Thirumoorthy Nagar,
Nungambakkam, Chennai - 600 034.

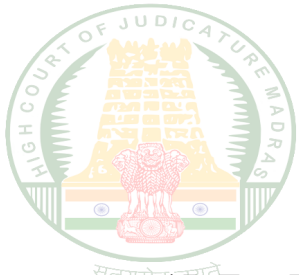
13. Mr.P.Arumugam.
No.41/33, Kamarajar Sallai,
Vannia Teynampet,
Chennai - 600 018.

Mr.K.K.Moorthy (Died)

14. Mr.M.Marimuthu,
No.2/279, Kullakkarai Street,
Madipakkam, and
Chennai - 600 091.

15. Mr.K.Gopalakrishnan,
No.13, K.V.I.C. Nagar,
Gowrivakkam, Chennai - 600 073.

16. Tmt.D.Devi,
W/o.M.Devaraj,
D/o.Late P.Arumugam,
No.38/105, Thiruvallur Salai,
Teynampet, Chennai – 600 018.



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17. Tmt.D.Vanitha,
W/o.Sohanasekaran,
D/o.Late P.Arumugam,
No.20/24, V.O.C. Street,
Teynampet, Chennai – 600 018.

... Respondents/Defendants

R16 and 17 are impleaded *vide* order of the Court dated 25.04.2024 made in C.M.P.No.21970 of 2023 in A.S.No.205 of 2022 (PTAJ).

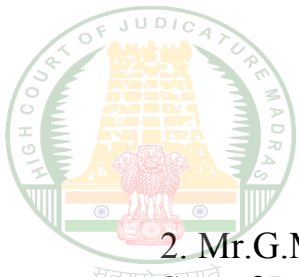
Prayer:- Appeal Suit has been filed under Section 96 read with Order 41 Rule 1 of C.P.C., pleaded to set aside the decree and common judgment dated 02.11.2021 in O.S.No.380 of 2008 passed by the Hon'ble Sessions Judge, Mahila Court, Chengaleput.

For Appellants : Mr.K.V.Sundararajan.

For Respondents : Mr.M.Asokaa, for R1,
: M/s.S.Santhi, for R2 to R4
: M/s.V.Srimathi, for R7
: Mr.A.Prabhakar, for R8
: Mr.N.Ramachandran, for R16 & 17
: No appearance, for R6
: Exparte, for R9 to 19
: Steps not taken, for R14 & R15

A.S.No.206 of 2022

1. Mr.G.Sivashanmugam
Son of Late V.Balasubramaniam
Residing at No.83,
Sanyasi Subadhar Street,
Alandur, Chennai - 600 016.



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2. Mr.G.Murugesan,
Son of Late.V.Balasubramaniam
residing at No.83, Sanyasi Subadhar Street,
Alandur, Chennai - 600 016.

3. Mr.G.Rajendran,
Son of Late M.Govindasamy
residing at No.83, Chowri Street,
Alandur, Chennai - 600 016.

... Appellants/Defendants

/versus/

1. Mr.B.Thirugnanasambandam,
Son of Late V.Balasubramaniam
residing at No.23, Sanyasi Subadhar Street,
Alandur, Chennai - 600 016.

2. Mr.B.Santhalingam
Son of Late V.Balasubramaniam
Residing at No.23,
Sanyasi Subadhar Street, Alandur,
Chennai - 600 016.

3.Mr.B.Sundaresan,
Son of Late V.Balasubramaniam,
Residing at No.23, Sanyasi Subadhar Street,
Alandur, Chennai - 600 016.

... Respondents/Plaintiffs.

Prayer:- Appeal Suit has been filed under Section 96 read with Order 41 Rule 1 of C.P.C., pleased to set aside the common judgment and decree dated 02.11.2021 passed in O.S.No.20 of 2017 passed by the Hon'ble Sessions Judge Mahila Court, Chengalpattu.



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For Appellants : Mr.K.V.Sundararajan.

For Respondents : M/s.S.Santhi, for R1 to R3

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A.S.No.517 of 2022

1. Mr.M.Marimuthu,
S/o. Munisamy,
No.2/279, Kullakkarai Street,
Madipakkam, Chennai - 600 091.

2. Mr.K.Gopalakrishnan,
S/o.(late) K.K.Moorthy,
No.13, K.V.I.C. Nagar,
Gowrivakkam, Chennai - 600 073. ... Appellants 1 & 2/Defendants 16 & 17

/versus/

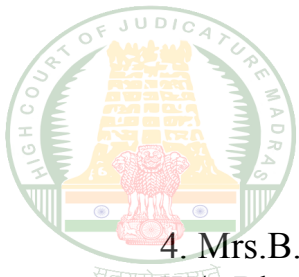
1. Mr.G.Sivashanmugam,
S/o.(late) Govindasamy,
No.4/83, Sowri Street,
Alandur, Chennai - 600 016.

2. Mr.G.Murugesan,
S/o. (late) Govindasamy,
No. 27, 1st Cross Street, Sambangi Nagar,
Thirnindravur,
Thiruvallur District - 602 024.

3. Mr.G.Rajendran,
S/o. (late) Govindasamy
No.4/83, Sowri Street,
Alandur, Chennai - 600 016.

... Respondents 1 to 3 / Plaintiffs

Mr.V.Balasubramaniam (died)



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4. Mrs.B.Savithri,
W/o.Bhoopathy,
No.43, Karpaga Vinayagar Koil Street,
Alandur, Chennai -16.

5. Mr.B.Thirugnanasambandan,
S/o.V.Balasubramaniam,

6. Mr.B.Santhalingam,
S/o.V.Balasubramaniam,

7. Mr.B.Sundresan,
S/o.V.Balasubramaniam,

8. Mrs.B. Manjula,
W/o. Radhakrishnan,

9. Mrs.B.Geetha,
W/o. Rajasekaran,

Respondent No.s 1 to 9 all are residing at:
No.23, Sanyasi Subedar Street, Alandur, Chennai – 16.

... Respondents 4 to 9/ Defendants 1 to 7

10. Mr.A.Karthik,
S/o. Arumugam,
No.33, Kamarajar Salai,
Vanniya Teynampet,
Chennai -18

11. Mr.A.Rajeswari,
W/o.S.Arumugam,
Kanni Koil Street, Chithalapakkam,
Tambaram Taluk, Kancheepuram District.



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12. Mrs.Parvathi,
W/o.Padmanabhan,
No.4/4, 4th Cross Street, Kandasamy Nagar,
Karambakkam, Porur,
Chennai -116.

13. Mrs.Samundeeswari,
W/o. Srinivasan,

14. Mrs.Vijayarani,
W/o. Prasad,

Respondent Nos.13 & 14 both are residing at
No.12/1, Circular Road, United India Colony,
Kodambakkam, Chennai – 24.

15. Mr.G.Sivasankaran,
S/o. Ganesan,
No.15,4th Street, Dr.Thirumoorthy Nagar,
Nungambakkam, Chennai – 34.

16. Mr.P.Arumugam,
S/o.Pavadai Padayachi,
No.41/33, Kamarajar Salai,
Vannia Teynampet, Chennai -18

Mr. K.K. Moorthy (died)
(Amended as per Order passed in IA.1/2021 dated 03.08.2021)

... Respondents 15 to 16/Defendants 13 to 15

Prayer:- Appeal Suit has been filed under Order XLI Rule 1 and Section 96 of C.P.C., pleaded to set aside the decree and judgment passed by the Hon'ble Mahila Court, Chengalpattu in O.S.No.380 of 2008, dated 02.11.2021.



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For Appellants : M/s.A.L.Gandhimathi, Senior Counsel,
for Mr.L.Palanimuthu

For Respondents : Mr.Mr.K.V.Sundararajan, for R1 to R3
: Mr.P.Kothandaraman, for R4
: M/s.V.Srimathi, for R10
: Mr.N.Manokaran, for R11
: Given up, for R5, R6 to R9, R12 to R16.

COMMON JUDGMENT

These three appeals arise from common judgment passed by Sessions Judge, Mahila Court, Chengalpattu, dated 02.11.2021, in the following three suit:

(i) O.S.No.380 of 2008;

(ii) O.S.No.20 of 2017 (O.S.No.663 of 2008 on the file District Munsif, Alandur) and

(iii) O.S.No.21 of 2017 (O.S.No.638 of 2012 on the file of District Munsif Court, Alandur).

2. O.S.No.380 of 2008 is a suit for partition and for declaring the sale deeds and settlement deeds in respect of suit properties are null and void and not binding on the plaintiffs, namely, G.Sivashanmugam, G.Murugesan, and G.Rajendran.



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3. The plaintiffs contends that the suit property originally belonged to Vedachalam Naicker, who died intestate on 23.06.1980, leaving behind his son V.Balasubramaniam and two daughters, G.Parameswari and Savithri, as his legal heirs.

4. The plaintiffs are the children of G.Parameswari, who died on 10.12.2007. Through their mother, the plaintiffs claim 1/3rd share in the suit properties of Vedachalam. While, V.Balasubramaniam, Parameswari and Savithri are entitled to 1/3rd share each, V.Balasubramaniam refused to divide the property among the legal heirs, but unilaterally alienated some of the properties. Hence, the suit for:

- (i) partition of the suit property by metes and bounds;
- (ii) to allot 1/3rd share to the plaintiffs and
- (iii) declaration that the following transfers are null and void and not binding on the plaintiffs.



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WEB COPY Settlement Deeds:

Sl.Nos	Date	Executant	Beneficiary(ies)
1.	12.10.2007	V.Balasubramaniam	Thirugnanasambandan, Santhalingam, Sundaresan
2.	02.11.2000	V. Balasubramaniam	G. Sivasankaran
3.	27.11.2006	V. Balasubramanian	M. Marimuthu
4.	18.09.2006	K.K. Moothy	K. Gopalakrishnan

Sale Deeds:

Sl. Nos.	Date	Executant	Purchaser(s)	Remarks
1	02.11.2000	V.Balasubramaniam	Mrs.P.Parvathy	
2	02.11.2000	V.Balasubramaniam	Samundeeswari and Vijayarani	
3	02.11.2000 & 05.11.2001	V.Balasubramaniam	A.Karthik	Two different sale deeds
4	17.03.2003	V.Balasubramaniam	P. Arumugam	
5	24.11.2003	V.Balasubramaniam	K.K. Moorthy	

5. O.S.No.20 of 2017 is filed by the three sons of V.Balasubramaniam, namely, B.Thiruganasambandham, B.Santhalingam, and B. Sundaresan, against G.Sivashanmugam, G.Murugesan, and G.Rajendran, who are the plaintiffs in the partition suit. Seeking relief of permanent injunction, on the ground that the suit property originally belongs to Vedachalam Naicker. On 12.10.2007, Thiru.Balasubramaniam who is the father of plaintiffs had executed



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the settlement deed in favour of the plaintiffs. The plaintiffs claim that they are enjoying it peacefully as their absolute property, without any interruption. While so, on 13.08.2008, the defendants are trying to trespass into the suit property and grab the property.

6. O.S.No.21 of 2017 is filed by B.Thirugnanasambandan, B.Santhalingam and B.Sundaresan (Sons of Balasubramaniam) against G.Sivashanmugam, G.Murugesan and G.Rajendran for declaration of a deed dated 20.03.2006 as null and void. The plaintiffs contends that after the death of Vedachalam Naicker, his son V.Balasubramanian inherited the property situated in S.No.58/1A2A measuring to an extent of 0.74 cents and in S.No.58/1A2B measuring to an extent of 2.30 acres. These properties were in possession of Balasubramaniam and during his lifetime, executed a settlement deed dated 12.10.2007, in favour of the sons who are the plaintiffs. Thereafter, V.Balasubramanian died in the year 2010 and since then, the plaintiffs are in possession and enjoyment of the property without any hindrance. While so, the defendants, who are children of Parameswari (sister of Vedachalam Naicker) had created a fabricated settlement deed dated 20.03.2006 showing as if, they being



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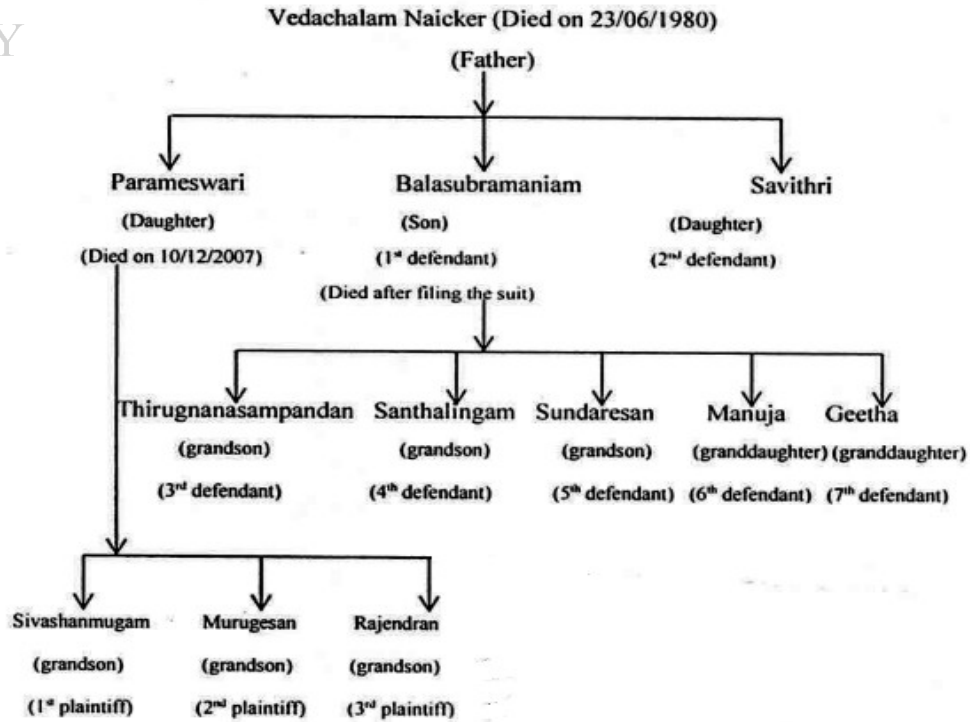
enjoyment of the suit property and settled it in favour of her children. Therefore, the plaintiffs seek for declaration that the said settlement deed executed by Parameswari, in favour of children, as null and void.

7. From the above narration, it is clear that the dispute among the descendants of Vedachalam Naicker in respect of the properties left by him. O.S.No.380 of 2008, instituted by the grandchildren of Vedachalam Naicker, born through his daughter Parameswari in O.S.No.20 of 2008 and O.S.No.21 of 2008 by Sons of Balasubramaniam Son of Vedachalam Naicker.

8. The trial Court, accepting the memo filed by the parties for a joint trial, had taken up the composite suit in O.S.No.380 of 2008 for the purpose of marking documents and examining the witnesses as per their status and ranking and the same is adopted by this Court for the sake of convenience. The genealogy tree admitted by the parties is as below:



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9. After framing appropriate issues based on the pleadings in the respective suits, the trial Court, in O.S.No.380 of 2008, dealt with 20 items of property listed in the schedule annexed to the composite suit. The suit O.S.No.380 of 2008 filed by the children of Parameswari was dismissed in respect of items 1 to 19. The trial Court, allowed the prayer for partition in respect of item 20 of the suit property by fixing the share of each of the three plaintiffs at 5/60th. Also declared the settlement deed dated 12.10.2007, executed by Balasubramaniam in favour of his three sons, as null and void and not binding the plaintiffs. As a



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consequence, the subsequent transfer of said property to the other defendants were also declared as null and void.

10. O.S.No.20 of 2017 and O.S.No.21 of 2017, filed by the three sons of V.Balasubramaniam seeking permanent injunction and declaration respectively in respect of the property mentioned in that suit. In the light of decree partly allowing O.S.No.380 of 2008, the composite suit, the prayer for declaration against the settlement deed executed by Parameswari dated 20.03.2006 was dismissed. However, relief of injunction granted.

11. A.S.No.205 of 2022

A.S.No.205 of 2022 has been preferred by the plaintiffs in O.S.No.380 of 2008 (the composite suit), being aggrieved by the rejection of the relief of partition in respect of item Nos.13 and 17, after conceding the dismissal of their claim in respect of items Nos.1 to 12, 14 to 16. The common judgment is particularly challenged on the ground that mere mutation of revenue records in favour of V.Balasubramainam, will not confer right or title upon him to deal with the property as his absolute property.



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12. In respect to Item No.13 in the composite suit, O.S.No.380 of 2008 corresponds to the suit property in O.S.No.20 of 2017, filed for permanent injunction, it is contended by the appellants that having held that the settlement deed executed by V.Balasubramanian dated 12.10.2007 in favour of his sons as void, the trial Court, ought to have allowed the relief of declaration in O.S.No.20 of 2017.

13. In respect of Item No.17, the appellants in A.S.No.205 of 2022 contend that the property is admitted to be ancestral property, even according to the recitals in the settlement deed executed by V.Balasubramanian. Therefore, without any division of the property among the coparceners, the entire property been settled in favour of his son by Vedachalam Naicker and had obtained revenue records in the year 2009 after the instituting of the composite partition suit in the year 2008. Without notice to the co-shares, mutation of revenue records has no binding, force and value to act in detriment to the co-shares. Thus, restricting the appeal to item Nos.13 and 17, A.S.No.205 of 2022 has been filed by sons of Parameswari.



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14. A.S.No.206 of 2022

A.S.No.206 of 2022 has been filed by the appellants/defendants, namely, G.Sivashanmugam, G.Murugesan and G.Rajendran, who are the children of Parameswari and the defendants in O.S.No.20 of 2017, being aggrieved by the injunction granted against them, in respect of item No.13, in the composite suit filed by the appellants.

15. A.S.No.517 of 2022

A.S.No.517 of 2022 is preferred by appellants 1 & 2/defendants 16 and 17 in O.S.No.380 of 2008, being aggrieved by the decree of partition in respect of item No.20 of the suit property. The appellants 1 & 2 contend that the trial Court failed to take note of the fact that portion of item No.20 was purchased by K.K.Moorthy (father of 2nd appellant, Gopalakrishnan), from V.Balasubramaniam on 24.11.2003 and since then, enjoying it peacefully till he settled the property in favour of his son, 2nd appellant on 18.09.2006. Similarly, the 1st appellant, who is the 16th defendant in the composite suit, who purchased 0.65 cents of land from V.Balasubramaniam and his sons on 27.11.2006, claims



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himself a bonafide purchaser for value. The challenge to these transactions belatedly, is barred by limitation. The trial Court failed to properly consider the facts placed before it.

16. The above three appeals, two by the plaintiffs in O.S.No.380 of 2008 and O.S.No.20 of 2017 and one by the defendants 16 & 17 in O.S.No.380 of 2008.

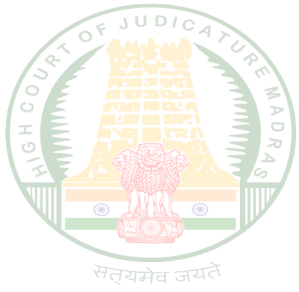
(i) A.S.No.205 of 2008 is in respect of item Nos.13, 17 and 20.;

(ii) A.S.No.206 of 2022 in respect of item Nos.13 and 17 and

(iii) A.S.No.517 of 2022 is in respect of part of item No.20 morefully described in the schedule to O.S.No.380 of 2008.

17.Point for determination:-

It is sufficient to deal with three items No.13, 17 and 20, to determine whether the trial Court has rightly concluded that the plaintiffs 1 to 3 are entitled to share only in item No.20 or also they are entitle for a share in respect of item Nos.13 and 17.



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(i) Item No.13 is in Survey No.58/1A2A, measuring 0.30.0 hectares at

Madurapakam Village, Tambaram Taluk, Kancheepuram District.

(ii) Item No.17 is in Survey No.48 measuring 0.09.7 Hectares in the

above said village.

(iii) Item No.20 is in Survey No.29/2D measuring 2.02.4 Hectares,

forming part of 5 acres agricultural land situated at Molachery Village, Tambaram Taluk and Kancheepuram District.

18. During the course of the trial, in cross-examination, P.W.1 had admitted that, he is conducting the partition suit only in respect of item Nos.13, 17 & 20 and in respect of other items of property, he has given up and same been recorded by the trial Court, while considering the relief sought.

19. The trial Court has found that, except for the property mentioned in item No.20, the plaintiffs miserably failed to prove that the remaining properties were originally owned by deceased Vedachalam Naicker, for the plaintiffs to claim right through his daughter of Parameswari. Except the title document in respect of item No.20 marked as Ex.A.1, no other document filed to prove item Nos.13 and



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17 are properties of Vedachalam under Ex.A.1, properties described as item No.20

was purchased by Vedachalam Naicker on 09.08.2016. It is an admitted fact that Vedachala Naicker, died intestate. Therefore, succession opened for inheritance by three children, namely, Balasubramaniam, Parameswari and Savithiri in respect of item No.20. Hence, there cannot be any dispute regarding 1/3rd share of Parameswari, in so far as item No.20. For item Nos.13 and 17, for want of title in the name of Vedachalam, the claim of share in that property has to fail.

20. The defendants 15 & 16, who are the appellants in A.S.No.517 of 2022, are purchasers from Balasubramaniam under sale deed in Ex.A.13 and Ex.A.14 respectively. These sale deeds are in respect of part of the property described in item No.20. In these sale deeds, it is specifically stated that, Balasubramaniam derived title from his father, Vedachalam Naicker, who purchased the property under sale deed Ex.A.1 dated 09.08.1960. While so, without ascertaining whether Vedachalam Naicker had left behind any other legal heirs entitled to inherit the property, the defendants 16 & 17 had purchased the property. Hence, the Trial Court has rightly held that they cannot be termed as bonafide purchasers, more particularly, in light of the admission made by the 16th



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defendant, Marimuthu (1st appellant in A.S.No.517 of 2022) that he did not verify the death certificate or legal heirs certificate of Vedachalam Naicker, before he purchased the property.

21. As a result, the trial Court had held that the property covered under item No.20 belonged to Vedachalam Naicker, who died intestate and, thus, devolved upon his legal heirs by succession. The subsequent alienation by one of the legal heirs would not bind the other co-sharers, who were not parties to the transaction. Therefore, the trial Court has rightly held that all the subsequent transactions by way of settlement deeds and sale deeds, insofar as item No.20 is concerned, are null and void and not binding on the plaintiffs.

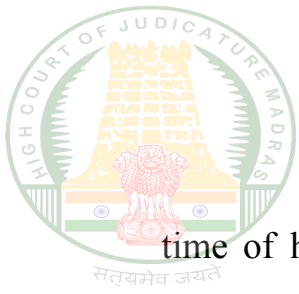
22. This Court, on perusing the title documents and evidence, finds that there is no error in the trial Court conclusion insofar as item No.20 of the suit property. The transactions covered under Ex.A.7 to Ex.A.14, pertaining to the transfer of property mentioned in item No.20, therefore, they are held to be void and consequently, the mutation of revenue records based on these documents is also liable to be ignored.



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23. S.No.58/1A2A, measuring 0.30.0 hectares in Madurapakkam

Village, is the property mentioned in the schedule to the plaint in O.S.No.380 of 2008. This is also subject matter of O.S.No.20 of 2017, filed by sons of Balasubramaniam, who are defendants 3 to 5 in the composite suit in O.S.No.380 of 2008. In respect of this property, the plaintiffs in O.S.No.380 of 2008 had contested that the claim made in the injunction suit filed by the sons of Balasubramaniam, based on the settlement deed dated 12.10.2007. In this suit, the defendants contended that, Vedachalam Naicker during his lifetime, orally gifted the property to his daughter Parameswari, at the time of the marriage and that after the marriage, Parameswari took possession and enjoyed the property along with her husband Govindasamy and later through their son Rajendiran. Subsequently, Parameswari settled the property in favour of three sons on 20.03.2006. Hence, the alleged settlement deed executed by Balasubramaniam in favour of his sons on 12.10.2007 is only to make a rival claim. The contention of the defendants in that suit was not supported by any evidence particularly, there was no evidence to show that the said property was initially held by Vedachalam Naicker and thereafter, it devolved upon his children. There was no evidence for oral gifting of the property by Vedachalam Naicker in favour of his daughter Parameswari at the



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time of her marriage and she along with her husband and children enjoying it.

Accordingly, Item No.13 been excluded from granting decree of partition on the ground that the plaintiffs failed to prove that the property belongs to Vedachalam Naicker and he left the property to be inherited by his legal heirs.

24. At the same time, the trial Court also found that the settlement deed dated 12.10.2007 relied upon by the plaintiffs in O.S.No.20 of 2017 and O.S.No.21 of 2017 to claim right and possession for the purpose of injunction, had failed to produce the said settlement deed. However, having proved the possession, they are entitled to a decree for permanent injunction as prayed in O.S.No.20 of 2017, but not entitled for declaration of title as prayed in O.S.No.21 of 2017.

25. In the light of the discussion above, it is ample clear that, out of 20 items of properties mentioned in the comprehensive suit for partition, wherein claiming right through Parameswari (daughter of Vedachalam Naicker), the plaintiffs were able to prove only for item No.20 of the suit as ancestral property held by Vedachalam Naicker.



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26. Insofar as Item Nos.13 & 17 for which, the appeal in A.S.No.205 of 2022 is restricted, there is no evidence that these properties were purchased by Vedachalam Naicker. Ex.A.1, the title document of Vedachalam Naicker, does not include these two properties and no other document relied by the plaintiffs to show that item Nos.1 to 19 was initially owned by Vedachalam Naicker. Insofar as Item No.13. The trial Court dismissed the declaration suit filed by the sons of Balasubramaniam, for not producing the settlement deed in their favour alleged to have executed by their father Balasubramaniam. Nevertheless, the said finding will not confer any title to the plaintiffs in O.S.No.380 of 2008, who are the sons of Paramaswari. Hence, A.S.No.206 of 2022 is liable to be dismissed.

27. Insofar as the appellants in A.S.No.517 of 2022, they are aggrieved by the declaration of sale deeds and the settlement deeds in favour of the appellants as null and void since the properties purchased by these appellants form part of item No.20 of the suit property and they are not bonafide purchaser. Vedachalam Naicker in the year 1960, under Ex.A.1 had purchased this property and he died intestate, leaving the property to be inherited by his legal heirs. The



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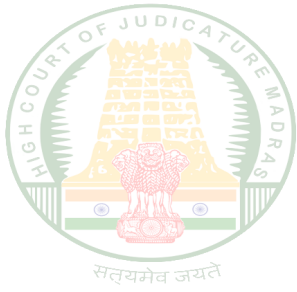
alienation by one of the legal heirs excluding the others renders the deeds defective of title. The Court has categorically found that they are not bonafide purchasers.

28. The plea of limitation raised by these appellants was rightly rejected by the trial Court on the ground that it is a fraud committed against the plaintiffs. Since the appellants purchased the property without verifying the legal heirs of Vedachalam Naicker, the deed is held to be void.

29. Considering the evidence in entirety, this Court finds no merit in none of these three appeals. Accordingly, all the three Appeal Suit Nos.205, 206 and 517 of 2022 are dismissed. There shall be no orders as to costs. Consequently, connected Miscellaneous Petitions are closed. C.M.P.No.13191 of 2024 to receive additional documents stands dismissed.

03.07.2025

Index :Yes.
Speaking order/non speaking order
Neutral citation :Yes/No.
bsm



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Dr.G.JAYACHANDRAN, J.

bsm

To,

- 1.The Sessions Judge, Mahila Court, Chengalpattu.
- 2.The Section Officer, V.R.Section, High Court, Madras.

Pre-delivery common judgment made in

A.S.Nos.205, 206 & 517 of 2022

03.07.2025