



S.A. No. 45 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA NO. 45 of 2025

AND

CMP NO. 1102 OF 2025

1. Mohankumar
2. Udayakumar
3. S.Natarajan

... Appellants

Vs

Rajasekaran

... Respondent

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 02.12.2019 made in A.S.No. 55 of 2018 on the file of Addl. District Judge, Namakkal confirming the judgment and decree dated 11.07.2018 made in O.S.No.53 of 2011 on the file of Principal Sub-Court, Namakkal.

For Appellants : Mr. S.Senthil

For Respondent : Mr. T.Pushkin Rajkumar



S.A. No. 45 of 2025

JUDGEMENT

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The appellants, who are the defendants 1 to 3 in the suit in O.S.No.53 of 2011 on the file of Subordinate Court, Namakkal, which was filed by the respondent/plaintiff seeking for the relief of cancellation of sale deed and other consequential relief. On considering the facts as well as evidence on record, the trial court decreed the suit in favour of plaintiff. Against which, the defendants have preferred an Appeal Suit in A.S.No.55 of 2018 and the same was dismissed by confirming the findings of trial court. Now, challenging the concurrent findings of the courts below, the defendants have preferred this Second Appeal.

2. For the sake of convenience, the parties are denoted as per the ranking in the suit before the trial court.

3. The respondent herein is the plaintiff, who filed a suit against the appellants/defendants stating that the defendants have falsely executed a sale deed based on a power of attorney, which was executed for a loan



S.A. No. 45 of 2025

transaction. The contesting defendants/appellants contested the case stating that based on a power of attorney executed by the plaintiff in favour of 1st defendant, the defendants 2 and 3 have purchased the property. The case of plaintiff is that for the repayment of loan transaction, he has handed over the original documents to the 1st defendant and also executed a power of attorney deed in favour of him.

4. Heard and considered submissions of both learned counsel for appellants as well as respondent and perused the materials available on record.

5. On seeing the facts, it reveals that firstly, as per the recitals of settlement deed, it is executed for the value of Rs.2,71,000/- in favour of plaintiff, but as per the vendor original title deed produced by the plaintiff, wherein the value of property is mentioned as Rs.2,60,000/- at the time of purchase in the year 2008 and nearly about two years later, the alleged sale deed came into force, which shows the value of property as Rs.1,50,000/-. So, the registering authority also kept the sale deed pending suit. If really,



S.A. No. 45 of 2025

the defendants 2 and 3 are the bonafide purchasers, the value of suit property is to be correctly mentioned. So, on seeing the conduct of defendants 2 and 3, it shows that they are not bonafide purchasers and the plaintiff proved his case and prima facie, it was accepted by the trial judge, needs no interference of this court. Hence, I do not find any merit in this Second Appeal as there is no substantial question of law involved. If at all, the defendants 2 and 3 are having valid title, they can very well approach the civil court and work out their remedy. Accordingly, this Second Appeal is dismissed as devoid of merit. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.01.2025

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To
The Addl. District Judge, Namakkal.

T.V.THAMILSELVI, J.



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S.A. No. 45 of 2025

rpp

S.A. No. 45 of 2025

27.01.2025