



WEB COPY



A.S.No.424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

A.S.No.424 of 2022
and
C.M.P.No.15431 of 2022

K.Ananth

.. Appellant

Vs.

1.S.Palaniandi
S/o.Sellaiahpillai

2.K.S.Palaniandi
S/o.Kalam @ Sellaiah Pillai

3.Sumathy
W/o.K.S.Palaniandi

4.Minor Jaya
D/o.Palaniandi

5.The Sub Registrar,
Paramathy,
Namakkal District

.. Respondents

PRAYER: Appeal Suit is filed under Order 41 Rule 1 of Civil Procedure Code, under Section 96 of C.P.C., to allow the appeal and set aside the decree and Judgment passed by the III Additional District Judge, Salem in O.S.No.187 of 2016 dated 10.11.2021.

For Appellant : Mr.Y.Kaja Nivas



A.S.No.424 of 2022

WEB COPY

For R1 : Mr.Senthilkumar
for Mr.I.Arokiasamy

For R2 to R4 : Set ex-parte

For R5 : Mr.R.Siddharth

JUDGMENT

The suit was filed to declare that the plaintiff, S.Palaniandy, son of Sellaiah Pillai, is the lawful owner of the suit schedule property pursuant to sale deed dated 16.09.1994 and consequently to declare the settlement deed dated 05.04.2016, executed in favour of the 1st defendant, K.S.Palaniyandi, by impersonation, in respect of the suit schedule property in favour of his wife Sumathy, the 2nd defendant as null and void. It is further stated that Sumathy on her behalf and her minor daughter Jaya sold the property to the 4th defendant on 11.04.2016, vide document No.1153/2016. The plaintiff seeks to declare the said transactions as void ab-initio on the grounds of impersonation and fraud and also prays for a permanent injunction restraining the defendants from creating any further encumbrance over the suit schedule property.

2. The suit was contested only by the 4th defendant, the purchaser, while the defendants 1 to 3 remained absent.



A.S.No.424 of 2022

WEB COPY

3. According to the 4th defendant, he is a bonafide purchaser for value and therefore, his right ought to be protected. He has further taken a specific stand that the settlement deed based on which he purchased the property from the 2nd defendant, is a genuine document, duly registered in the office of the Sub Registrar, Paramathi, on the appearance and identification of the respective parties before the Sub Registrar.

4. The trial Court had framed the following issues based on the pleadings:

“1. Whether the plaintiff is entitled for the relief of declaration as per sale deed dated 16.09.1994 as prayed for?

2. Whether the plaintiff is entitled for the relief of restraining the defendants by permanent injunction as prayed for?

3. Whether the plaintiff is entitled for the relief of declaration as the settlement deed dated 05.04.2016 in favour of D2 as void ab-initio?

4. Whether the plaintiff is entitled for the



WEB COPY



A.S.No.424 of 2022

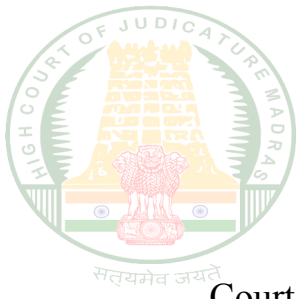
relief of declaration as the sale deed dated 11.04.2016 in favour of D3 as void ab-initio as prayed for?

5.Whether the plaintiff is entitled for permanent injunction against D5 as prayed for?

6.To what other relief?”

5. The plaintiff, in order to establish that Ex.A3, settlement deed dated 05.04.2016 is void ab-initio due to impersonation, examined three (3) witnesses and marked thirty one (31) documents as Ex.A1 to Ex.A31. The 4th defendant alone contested the matter and mounted the witness box and was examined as DW.1. No documents were filed on his behalf. Ex.X1 to Ex.X4 were marked as Court documents based on production by the Election Commission.

6. The trial Court allowed the suit in toto, being satisfied that the Ex.A3, the settlement deed dated 05.04.201, executed in the name of K.S.Palaniandi in favour of his wife Sumathy, was not executed by the plaintiff, who is the lawful owner of the suit schedule property. The trial



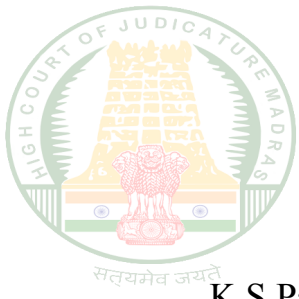
A.S.No.424 of 2022

WEB COPY

Court had come to the conclusion based on discrepancies in the personal details provided by the settlor and the settlee, particularly the Election Commission Identity Card (ECIC) number.

7. Specifically, the ECIC number mentioned in Ex.A3 as belonging to the settler, K.S.Palaniandi, son of Sellaiah Pillai actually corresponds one Palaniappan, son of Kuppa Goundar, as per the electoral roll marked as Ex.X4. Likewise, the settlee Sumathy, who received the property under Ex.A3 on 05.04.2016, sold the property within six days to the 4th defendant, who is the appellant herein, on 11.04.2016 vide Ex.A4, disclosing her ECIC, LVY No.2456 762. However, Ex.X1 and Ex.X2, the voter list published by the Election Commission reveals that the said LVY 2456 762 is issued to one Sumathy, wife of Mani, whose voter ID number is LVY 2456 788 and who is the son of Ayyanar.

8. Thus, it is evident that Ex.A3, the settlement deed dated 05.04.2016 been executed by the 1st defendant, who is not the owner of the suit schedule property, in favour of one Sumathy, who claims to be his wife. However, the document reveals that Sumathy is not the wife of



A.S.No.424 of 2022

WEB COPY

K.S.Palaniandi, but the wife of one Mani. The other documents like driving license of the plaintiff and the letter from TANMAG, where the plaintiff was employed, further establish that the plaintiff is the real owner of the suit schedule property and neither executed the settlement deed in favour of Sumathy under Ex.A3 nor had any knowledge of the transaction. The appellant subsequently claims title under this document as a bonafide purchaser.

9. Being aggrieved, the appeal has been preferred by the 4th defendant, reiterating the contentions raised before the trial Court. He further contends that the plaintiff has not lodged any criminal complaint regarding the alleged impersonation and has in collusion with the defendants 1 and 2, filed the suit to deprive the appellant of his lawful ownership.

10. The learned counsel appearing for the appellant submitted that the appellant, being a bonafide purchaser for value, is entitled to protection of his rights and should not be deprived the same.



A.S.No.424 of 2022

WEB COPY

11. The point for determination:-

Whether the appellant has established that he is a bonafide purchaser for value from the lawful owner?

12. The specific case of the plaintiff is that he purchased the suit property under Ex.A2 dated 16.09.1994 and has been in possession of the property without any let or hindrance. He neither settled nor alienated the property in any manner. Ex.A3 dated 05.04.2016, allegedly executed by the 1st defendant in favour of the 2nd defendant, is a fraudulent document registered through impersonation. This fact is clearly established through documentary evidence, particularly the entries found in the settlement deed and the corresponding information found in the voter list.

13. In light of these circumstances, the plea of the appellant that he is a bonafide purchaser must be examined in conjunction with his conduct and other surrounding factors. In his written statement, the appellant claimed to have purchased the suit property from defendants 1



A.S.No.424 of 2022

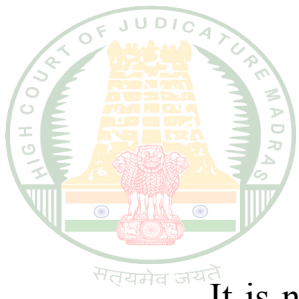
WEB COPY

and 2 for valid consideration and the sale deed is valid as per law.

However, he failed to disclose the actual sale consideration or how it was paid, neither through oral evidence nor documentary evidence. He has not demonstrated that he purchased the property for valuable consideration as a bonafide buyer.

14. The appellant's subsequent conduct further undermines his claim. He alienated the property soon after the purchase, as admitted by him in his cross-examination. The plaintiff has amplified doubts regarding the appellant's bonafides by establishing that the settlement deed allegedly executed by the 1st defendant in favour of the 2nd defendant on 05.04.2016 was followed by a sale to the appellant on 11.04.2016 for a consideration of Rs.7,00,000/- which was allegedly paid in cash on the date of execution of the sale deed.

15. Two witnesses signed the sale deed Ex.A4, one is K.S.Palaniandi son of Sellaiah Pillai and another is Selvam son of Krishnan. However, neither of them was examined to prove the payment of consideration or to support the appellant's claim of bonafide purchase.



A.S.No.424 of 2022

WEB COPY

It is noted that K.S.Palaniandi son of Sellaiah Pillai, who witnessed the transaction, is also the person who purportedly settled the property in favour of the vendor. This clearly indicates that K.S.Palaniandi was involved in fabricating documents and was part of a fraudulent scheme to unlawfully deprive the plaintiff of his property. In such circumstances, the appellant cannot claim to be a bonafide purchaser for value, when there is no evidence placed by the appellant to prove his bonafide.

16. As a result, this Appeal Suit stands dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed. There shall be no order as to costs.

26.06.2025

Index: Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
rpl

To

1.The III Additional District Judge, Salem

2.The Section Officer, V.R.Section, High Court of Madras, Chennai.



WEB COPY



A.S.No.424 of 2022

DR.G.JAYACHANDRAN,J.

rpl



WEB COPY



A.S.No.424 of 2022

A.S.No.424 of 2022

26.06.2025