



S.A. No.24 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED :08.01.2025

CORAM

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

S.A.No.24 of 2025
and
CMP.No.436 of 2025

Govindaraj

...appellant

Vs

1.Perumiammal
2.Pasuvvaraj
3.Rani
4.Muthuraj
5.Pasuvammal
6.Mathappan
7.Jayalakshmi
Ranganathan (died)

8.Ramasamy
9.Aarthi
10.Minor Pasappan
11.Minor Bharath

... Respondents



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PRAYER: Second Appeal filed Under Section 100 of the Civil Procedure Code, against the Judgment and decree passed in A.S.No.6 of 2019, dated 22.12.2022 on the file of the learned Subordinate Judge, Palacode confirming the Judgment and decree in O.S.No.118 of 2012, dated 25.11.2015 on the file of the learned District Munsif, Palacode.

For Appellant : Mr.M.Kaviveerappan

For R1 to R5 : Mr.C.Prabakaran

JUDGMENT

The appellant has filed this Second Appeal against the judgment and decree passed in A.S.No.6 of 2019, dated 22.12.2022 on the file of the learned Subordinate Judge, Palacode confirming the Judgment and decree in O.S.No.118 of 2012, dated 25.11.2015 on the file of the learned District Munsif, Palacode.

2. Heard Mr.M.Kaviveerappan, learned counsel for the appellant, and Mr.C.Prabakaran, learned counsel appearing for the respondents 1 to 5 and perused the materials available on record.



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3. For convenience, the parties herein are referred to as they were ranked in the suit.

4. Challenging the concurrent findings of the Courts below, the appellant / plaintiff has preferred this appeal.

5. The appellant / plaintiff had already sold the property to the defendants through Ex.B11 dated 02.07.1984. In this document, the plaintiff sold the suit property by mentioning the survey number as S.F.No.176/3 with an extent of 2.30 acres, which is the suit property in question. However, the survey number was incorrectly recorded as S.F.No.176/1. The plaintiff indeed sold the property to the first defendant but now claims to have rights in the said property, citing survey number 176. The plaintiff is obligated to rectify the mistake and correct the survey number for the defendant. At the most, the plaintiff is entitled only to seek rectification of the document. The trial Court has rightly observed this, and its findings do not require interference.



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6. The learned trial Judge correctly analyzed the nature of the rights of both parties, which does not call for any modification. The learned first appellate Judge also properly appreciated the facts of the case as detailed in paragraph 9(b) of the appellate Court findings. No substantial question of law arises in this matter. This is clearly a case of abuse of the process of law. There is no merits in the appeal.

7. Accordingly, this Second Appeal is dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

08.01.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

rri



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To

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



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T.V.THAMILSELVI, J.

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