



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 668 of 2025
and CMP.No.24072 of 2025**

1. Rajasekar
S/o. Panchavarnam, 40/2, Gandhi Road,
Near Yanai Vaagana Mandapam,
Mannargudi.

Appellant(s)

Vs

1. S. Sironmani
W/o. Soundarajan, South Street,
Serumangalam Village, Mannargudi.

2.P. Pushaneela
W/o. Paneerselvam, 2,
Jeyangondanaadhar Kovil Melaveedhi,
Mannargudi.

3.P. Chithralatha
W/o. S. Pakkirisamy, Vaali Odai,
Paingatoor Village, Mannargudi.

Respondent(s)

PRAYER

Second Appeal filed under Section 100 of Code of Civil Procedure, prays to set aside the Judgement and decree dated 02.06.2025 passed in AS No.4 of 2019 on the file of the Principal District Judge, Thiruvarur, confirming the judgement and decree dated 26.07.2018 in OS No.110 of 2014 on the file of the Sub Court, Mannargudi.

For Appellant(s): M/s.P.T.Ramadevi

JUDGEMENT

The appellant has filed this appeal to set aside the Judgement and decree dated 02.06.2025 passed in AS No.4 of 2019 on the file of the Principal District



Judge, Thiruvarur, confirming the judgement and decree dated 26.07.2018 in OS No.110 of 2014 on the file of the Sub Court, Mannargudi.

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2. For the sake of convenience, the parties herein are referred to as they are ranked in the suit.

3. Challenging the concurrent findings of the Courts below, the defendant has preferred the present appeal. Before the Trial Court, the respondents/plaintiffs, who are the sisters of the appellant/defendant, filed a suit for partition. The plaintiffs and the defendant are the legal heirs of one Panchavarnam and Dhanalakshmi. The suit property originally belonged to one Chinnapillai, the father of Dhanalakshmi. Dhanalakshmi died in the year 1989. Thereafter, her husband Panchavarnam died in the year 2011, leaving behind the plaintiffs and the defendant, namely the daughters and the son, as their legal heirs. All of them succeeded to the property by intestate succession. Since the suit property continued to remain joint and the defendant did not cooperate for partition, the plaintiffs were constrained to file the suit for partition. All the parties are equally entitled to their respective shares.

4. Before the Trial Court, both parties adduced oral and documentary evidence. On the side of plaintiffs P.W.1 to P.W.3 were examined and Exs.P1 to P12 were marked. On the side of the defendant D.W.1 and D.W.2 were



examined and Exs.B1 to B4 were marked.

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5. The defendant contended that the suit properties were ancestral in nature and that the daughters had already given up their rights, as they were married prior to the year 1989. However, no acceptable evidence was adduced in support of the said plea.

6. Admittedly, the documents stood in the name of Chinnapillai and were thereafter transferred in the name of Panchavarnam. The suit properties remained undivided. Therefore, the Trial Court rightly held that each of the plaintiffs was entitled to a one-fourth share in the suit properties and decreed the suit accordingly. Aggrieved by the said judgment, the defendant preferred an appeal in A.S. No.4 of 2019. The learned First Appellate Judge, upon reappreciation of the evidence, confirmed the findings of the Trial Court. The learned First Appellate Judge also extracted the evidence of D.W.1 in paragraph 6 of the judgment, which clearly established that Chinnapillai died intestate, leaving behind his daughter Dhanalakshmi. Dhanalakshmi also died intestate, and thereafter, her husband Panchavarnam died intestate. As the suit properties became the absolute properties of Dhanalakshmi, the same devolved equally upon her legal heirs, entitling each of them to a one-fourth share. Accordingly, the findings of the Trial Court were confirmed.

7. Challenging the said concurrent findings, the defendant has now



preferred the present appeal. The learned counsel for the appellant contended that all the plaintiffs were married prior to the year 1989 and that the defendant alone had been in possession and enjoyment of the suit properties for several years. However, it is an admitted fact that the properties belonged absolutely to Dhanalakshmi and, upon her death intestate, devolved equally upon all her legal heirs. This aspect was rightly appreciated by both the Courts below.

8. No substantial question of law arises for consideration in this appeal. The concurrent findings of fact recorded by the Courts below warrant no interference.

9. Accordingly, the Second Appeal is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10. If any application for final decree is filed, the Trial Court is directed to dispose of the same within a period of three months from the date of receipt of a copy of this judgment.

02-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The Principal District Judge,
Thiruvavarur.

2. The Subordinate Judge, Mannargudi.

3. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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