



A.S.(MD)Nos.97 and 98 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
23.10.2025	14.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**A.S.(MD)Nos.97 and 98 of 2025
and
C.M.P.(MD)Nos.3825, 3826 and 17134 of 2025**

A.S.(MD)No.97 of 2025:-

- 1.Vijayalakshmi
- 2.Minor.Sanjay
- 3.Minor.Mythili

... Appellants / Defendants

[Appellants 2 and 3 are represented by their
mother and natural guardian, 1st Appellant
herein]

vs.

Mohammed Bilal,
S/o.Sheik Dawood,
Rep. by his Power Agent,
Sheik Dawood

... Respondent / Plaintiff



A.S.(MD)Nos.97 and 98 of 2025

PRAYER : Appeal Suit filed under Section 96 Civil Procedure Code against the judgment and decree dated 25.10.2024 passed in O.S.No.142 of 2019, on the file of III Additional District Court, Tiruchirappalli.

For Appellants

: Mr.R.Balakrishnan

For Respondent

: Mr.Raguvaran Gopalan

A.S.(MD)No.98 of 2025:-

- 1.Vijayalakshmi
- 2.Minor.Sanjay
- 3.Minor.Mythili

... Appellants / Plaintiffs

[Appellants 2 and 3 are represented by their mother and natural guardian, 1st Appellant herein]

vs.

- 1.Punithavathy (Died)

- 2.Mohammed Bilal

- 3.Sub-Registrar,
Thuraiyur Sub-Registrar Office,
Thuraiyur Taluk,
Trichy District.

... Respondents / Defendants

[R1 died and the appellants are recorded as LR's. of the deceased R1 vide order dated 11.09.2025, in A.S.(MD)No.98 / 2025]



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PRAYER : Appeal Suit filed under Section 96 Civil Procedure Code against the judgment and decree dated 25.10.2024 passed in O.S.No.8 of 2018, on the file of III Additional District Court, Tiruchirappalli.

For Appellants	: Mr.R.Balakrishnan
For R2	: Mr.Raguvaran Gopalan
For R3	: Mr.D.Ghandiraj Special Government Pleader

COMMON JUDGMENT

C.V.KARTHIKEYAN, J.

The plaintiffs in O.S.No.8 of 2018 on the file of the III Additional District Court, Tiruchirappalli, being aggrieved by the dismissal of the said suit by the common judgment dated 25.10.2024 passed in O.S.No.8 of 2018 and O.S.No.142 of 2019, have filed A.S.(MD)No.98 of 2025. The same plaintiffs were the defendants in O.S.No.142 of 2019. The said suit was decreed by the common judgment dated 25.10.2024 passed in both the suits, O.S.No.8 of 2018 and O.S.No.142 of 2019. They have filed A.S.(MD)No.97 of 2025.



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2. O.S.No.8 of 2018 had been filed seeking partition and separate possession of the suit schedule properties.

3. O.S.No.142 of 2019 had been filed seeking recovery of possession in respect of the 'A' schedule property and permanent injunction restraining interference with possession in respect of the 'B' schedule property. It is pertinent to mention that the suit schedule properties in both suits are the same.

4. Pending the appeals, the appellants filed C.M.P.(MD)No.17134 of 2025 in A.S.(MD)No.97 of 2025 under Order XLI Rule 27 of the Code of Civil Procedure, seeking to receive certain additional documents as evidence.

5. They also filed C.M.P.(MD)Nos.3825 and 3826 of 2025 in A.S.(MD)No. 97 of 2025, seeking stay of a portion of the common judgment and permanent injunction to protect their possession with respect to the 'A' schedule property.

6. The suit schedule properties comprise land measuring a total extent of 7,974 sq. ft. situated at Pulivalam Village, Musiri Taluk, Tiruchirappalli District.



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A building consisting of a ground floor and a first floor stands on the said land. The 'A' schedule property pertains to the first floor of the building, which is in the possession of the appellants, while the 'B' schedule property pertains to the ground floor, which is in the possession of the respondent in A.S.(MD)No.97 of 2025, Mohammed Bilal.

O.S.No.8 of 2018 [III Additional District Court, Tiruchirappalli]:-

7. The suit had been filed by three plaintiffs, Vijayalakshmi, her minor son, and her minor daughter, against her mother-in-law, Punithavathy, and against Mohammed Bilal, who had purchased the properties under a sale deed dated 03.04.2017 executed by the first defendant. The plaintiffs had also impleaded the Sub-Registrar, Thuraiyur Taluk, Tiruchirappalli District, as the third defendant.

8. The suit had been filed seeking a preliminary decree to divide the suit schedule properties into eight equal shares and to allot three shares to the plaintiffs. The plaintiffs had also sought consequential reliefs of (i) restraining the registration of any further document relating to the suit schedule properties, (ii) granting permanent injunction to protect their possession, and (iii) awarding costs of the suit.



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9. In the plaint, it was contended that the suit properties originally belonged to one Ponnymani Ammal, who had executed a settlement deed dated 28.09.1995 in favour of her son, Raju. The said Raju had a son named Raja. His mother was Punithavathy, the first defendant. The first plaintiff, Vijayalakshmi, was the wife of Raja and, therefore, the daughter-in-law of the first defendant.

10. It was further contended that after the demise of Raju, the properties devolved upon his wife, Punithavathy, and his son, Raja. The husband of the first plaintiff, Raja, was stated to have executed a settlement deed dated 07.06.2006 in respect of his half share in favour of his mother, Punithavathy. Consequently, Punithavathy became the absolute owner of the suit properties. However, the plaintiffs contended that the said settlement deed was sham and nominal and not binding on them.

11. The husband of the first plaintiff, Raja, subsequently died in an accident on 14.08.2017. The plaintiffs claimed that, upon his death, his undivided share became vested equally on his legal heirs with each holding one-fourth share along



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with the first defendant. Accordingly, the plaintiffs claimed entitlement to an undivided 3/8th share in the suit properties and sought partition and separate possession of the same.

12. The plaintiffs further alleged that, despite such right, the first defendant had executed a sale deed dated 03.04.2017 in favour of the second defendant, Mohammed Bilal, in respect of the entire property. The plaintiffs, therefore, sought a declaration that the said sale deed would not bind their 3/8th share in the suit properties. It was under these circumstances that the suit came to be filed seeking the aforesaid reliefs.

13. The second defendant filed a written statement denying and disputing the plaintiffs' claim that they had a share in the suit schedule properties. While the trace of title was admitted, it was contended that the father of the second defendant, Sheik Dawood, had entered into a registered agreement of sale dated 12.02.2017 with the first defendant. In the said agreement, both Raja and the first plaintiff had signed as attesting witnesses.



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14. It was further stated that, pursuant to the said agreement, the first defendant executed a sale deed dated 03.04.2017 in favour of the second defendant for valuable and adequate sale consideration of Rs.81,00,000/-. The sale deed recited that a sum of Rs.75,00,000/- had been paid by way of cheques. R.Raja, the husband of the first plaintiff, had again signed as a witness in the said sale deed.

15. It was further contended that, after the death of Raja, the first plaintiff sought permission to continue to occupy the first-floor portion as a licensee, and such permission was granted by the second defendant. The second defendant asserted that the sale deed was valid and binding upon the plaintiffs and that, by virtue of the sale deed, he had become the absolute owner of the entire suit properties. Accordingly, it was contended that the plaintiffs were not entitled to any share, much less $3/8^{\text{th}}$ share, in the suit properties, and that therefore, the suit was liable to be dismissed.

O.S.No.142 of 2019 [III Additional District Court at Tiruchirappalli]:-

16. The suit had been filed by S.Mohammed Bilal against the defendants in O.S.No.8 of 2018, namely, R. Vijayalakshmi and her minor son and minor



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daughter, seeking recovery of possession of the first floor of the suit schedule property, described as the 'A' schedule property, and for a decree of permanent injunction restraining the defendants from interfering with the plaintiff's possession of the 'B' schedule property, namely, the ground floor portion of the suit schedule property.

17. It was contended by the plaintiff that the suit schedule properties were the self-acquired properties of one Ponnymani Ammal, who had settled the same by a registered settlement deed dated 28.09.1995 in favour of her son, Raju. The said Raju died intestate on 08.03.1996, leaving behind his wife, R.Punithavathy, and his son, R.Raja, as his legal heirs. It was further stated that R.Raja had executed a registered release deed dated 07.06.2006 in respect of his one-half undivided share in the suit schedule properties in favour of his mother, R.Punithavathy, for a consideration of Rs.5,00,000/-. Consequently, R.Punithavathy became the absolute owner of the suit schedule properties.

18. It was further stated that the father of the plaintiff, A.Sheik Dawood, had entered into an agreement of sale with R.Punithavathy on 12.02.2017 for the



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purchase of the suit properties for a total consideration of Rs.81,00,000/-. In the said agreement, both R.Raja and the first defendant, R.Vijayalakshmi, had signed as attesting witnesses. Pursuant to the said agreement, R.Punithavathy executed a registered sale deed dated 03.04.2017 in favour of the plaintiff, in which R.Raja again signed as one of the attesting witnesses. Subsequently, R.Raja died in a motor accident on 14.08.2017.

19. It was further stated that with the sale consideration received, R.Punithavathy purchased another residential property and began residing therein. The defendants, who were in occupation of the first-floor portion, sought two months' time to vacate the premises but failed to do so. Instead, they filed a separate suit seeking partition and separate possession of the suit schedule properties. It was under these circumstances, asserting his absolute right, title, and possession over the suit schedule properties, that the plaintiff filed the suit seeking recovery of possession and protection of his possession through a decree of permanent injunction.



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20. The defendants filed a written statement wherein they traced the title to the suit properties. They contended that the settlement deed executed by the late husband of the first defendant, R.Raja, in favour of the first plaintiff, R.Punithavathy, was sham and nominal. It was further contended that the sale deed dated 03.04.2017 executed in favour of the plaintiff was not binding on the defendants and that no right, title, or interest could be derived by the plaintiff under the said document.

21. It was further stated that R.Punithavathy had been suffering from Schizophrenia and that, taking advantage of her mental incapacity, the plaintiff had obtained from her, an agreement of sale and, subsequently, a sale deed in his favour. It was therefore contended that the said sale deed was null and void, having been executed by a person of unsound mind. Accordingly, the defendants prayed that the suit be dismissed.

22. The learned III Additional District Judge, Tiruchirappalli, conducted joint trial in both the suits. The following issues were framed for determination:-



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"(i) Whether the plaintiffs were entitled to an undivided 3/8th share in the suit schedule properties?

(ii) Whether the settlement deed dated 07.06.2006 executed by the late husband of the first plaintiff, R.Raja, in favour of the first defendant, R.Punithavathy, was sham and nominal?

(iii) Whether the sale deed dated 03.04.2017 executed by the first defendant in favour of the second defendant would bind the plaintiffs' share, and whether the plaintiffs were entitled to a declaration in that regard and for the relief of permanent injunction?

(iv) Whether the plaintiffs were entitled to a decree of permanent injunction?

(v) Whether the Court fees paid in the suits were proper?

(vi) To what other reliefs were the parties entitled?"

23. During the trial, O.S.No.142 of 2019 was taken as the lead suit. On the side of the plaintiffs, Sheik Dawood, the father of the plaintiffs, was examined as P.W.1, and another witness, Mohammed Niyas, was examined as P.W.2. The plaintiffs marked Exhibits A1 to A35. Among these, Ex.A6 dated 07.06.2006 was the registered settlement deed executed by R.Raja in favour of his mother, R.Punithavathy; Ex.A19 dated 12.02.2017 was the agreement of sale between Sheik Dawood and R.Punithavathy; Ex.A7 was the sale deed executed by



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R.Punithavathy in favour of S.Mohammed Bilal dated 03.04.2017; Ex.A26 was the report submitted before this Court in H.C.P.(MD)No.350 of 2022; and Ex.A27 dated 16.03.2022 was the order of this Court.

24. On the side of the defendants, R.Vijayalakshmi examined herself as D.W.1 and also examined Dr.Balasubramanian as D.W.2, and two other witnesses, Ajoy and Shanthi, as D.W.3 and D.W.4 respectively. The defendants marked Exhibits B1 to B17. Ex.B4 was the Office Copy of MHOP No.12 of 2018; Ex.B8 was the report of the medical professional; Ex.B7 was the order of this Court in H.C.P.(MD)No.350 of 2022; and Ex.B11 was the order of the Hon'ble Supreme Court. Exs.B13, B14, B15, and B16 were the documents relating to the medical treatment administered to R.Punithavathy.

25. On the basis of the pleadings, oral evidence, and documentary evidence adduced, the learned Trial Judge dismissed O.S.No.8 of 2018 and decreed O.S.No.142 of 2019. It was specifically found that R.Punithavathy was the absolute owner of the suit schedule properties, consequent to the settlement deed executed in her favour by her son, R.Raja, with respect to his undivided 1/2 share.



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It was further found that R.Punithavathy had entered into an agreement of sale with the father of the plaintiffs, Sheik Dawood, in which both R.Raja and the first defendant, R.Vijayalakshmi, had signed as witnesses. It was accordingly held that the first defendant, R.Vijayalakshmi, could not disclaim knowledge of the said agreement of sale.

26. Thereafter, R.Punithavathy executed a sale deed in favour of the plaintiff on 12.02.2017, in which the late husband of the first plaintiff, R.Raja, had also signed as a witness. The learned Trial Judge noted that the first defendant, R.Vijayalakshmi, had filed H.C.P.(MD)No.350 of 2022 before this Court, which was held by the Division Bench to be an abuse of process and costs were imposed, which alone was later set aside on appeal before the Hon'ble Supreme Court.

27. The evidence regarding the alleged mental incapacity of R.Punithavathy was rejected by the learned Trial Judge, who held that she was fully capable of entering into agreements and executing documents. It was further observed that R.Punithavathy had, by utilizing the sale consideration, purchased



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another property on 26.04.2017, thereby negating any contention that she had been coerced into executing the agreement of sale or the sale deed. All documents and evidence produced by the defendants alleging that R.Punithavathy was of unsound mind were rejected.

28. In view of the above findings, the suit seeking partition and separate possession in O.S.No.8 of 2018 was dismissed, and the suit seeking recovery of possession in O.S. No.142 of 2019 was decreed.

29. Challenging the dismissal of O.S.No.8 of 2018, the plaintiffs therein filed A.S.(MD)No.98 of 2025. Similarly, challenging the decree in O.S.No.142 of 2019, the defendants therein filed A.S.(MD) No.97 of 2025.

30. Pending the appeals, the appellants also filed C.M.P.(MD)No.17134 of 2025 in A.S.(MD)No.97 of 2025 under Order XLI Rule 27 C.P.C., seeking permission to produce additional documents as evidence.



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31. At the outset, the learned counsel for the appellants stated that the appeal in A.S.(MD)No.98 of 2025 would not lie in view of the documents crystallizing title in favour of R.Punithavathy and that the said appeal must necessarily be dismissed.

32. The learned counsel for the appellants focused his arguments on A.S. (MD)No.97 of 2025, filed against the judgment and decree in O.S.No.142 of 2019, pursuant to which, the respondent had been granted a decree for recovery of possession of the suit properties, thereby directing the appellants to vacate and hand over possession. It was contended that the respondent had acquired title to the properties through a sale deed executed on 03.04.2017 by R.Punithavathy, the mother-in-law of the first appellant.

33. According to the learned counsel, R.Punithavathy had been suffering from Schizophrenia and undergoing continuous treatment since 1999 and alleged that this fact had been failed to be considered by the learned Trial Judge. It was further asserted that, owing to this affliction, the sale deed was vitiated, having been executed by a person of unsound mind. The learned counsel submitted that



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being a person of unsound mind, R.Punithavathy was incapable of making any legal or contractual decisions, and that the respondents had exploited her infirmity to procure the sale deed in their favour.

34. In support of this contention, reliance was placed on the medical jurisprudence regarding the effects of Schizophrenia and its impact on capacity to enter into agreements. Specific reference was made to the evidence of D.W.2, Dr.Balasubramanian, who had treated R.Punithavathy and prescribed medications for her condition. The learned counsel therefore urged that the sale deed executed by R.Punithavathy was null and void, and that therefore, the respondent could not claim any right, title, or interest in the suit schedule properties.

35. The learned counsel for the respondent, however, disputed these contentions. He submitted that initially, Punithavathy had entered into an agreement of sale on 12.02.2017, which was witnessed by her son Raja and the first appellant, Vijayalakshmi. Subsequently, on 03.04.2017, a sale deed was executed and duly registered, also witnessed by Raja. The learned counsel emphasized that at no point in these documents was it asserted that the executant, Punithavathy, was of unsound mind.



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36. It was further pointed out that with the sale consideration received, Punithavathy had promptly purchased another property on 26.04.2017 and had taken residence there, having vacated the suit schedule properties. This, according to the learned counsel, clearly demonstrated that Punithavathy was not only capable of executing the sale deed but also competent to manage and utilize the sale proceeds.

37. The learned counsel also highlighted that the first appellant had earlier filed H.C.P.(MD)No.350 of 2022 before this Court, alleging that Punithavathy had been abducted by the respondent. However, the petitioner appeared before this Court, and the Habeas Corpus Petition was subsequently dismissed with costs. The appeal against the said order was also dismissed, except for modification of the cost portion, while upholding the other findings of the Division Bench of this Court, including the observation that the filing of the Habeas Corpus Petition constituted an abuse of process.

38. It was submitted that the trial Court had duly considered all materials on record and had rightly concluded that the respondent was entitled to recovery of possession.



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39. We have carefully considered the arguments advanced and perused the material records.

40. The following points arise for consideration:-

(i) Whether, when a suit is instituted by or against a person of unsound mind, it is mandatory to follow the procedure laid down under Order XXXII Rule 15 of the C.P.C.?

(ii) Whether the Trial Court correctly concluded that the agreement of sale dated 12.02.2017 [Ex.A19] and the sale deeds executed by Punithavathy on 03.04.2017 [Exs.A7 and A20] were documents executed in accordance with the procedure established by law.

41. Since the discussion relating to the points framed for determination overlap, we would take up both points for examination together.

42. The suit schedule properties consist of land and building, together measuring 7,974 sq.ft., situated at Pulivalam Village, Thuraiyur, Trichy District. The chain of title over the said properties is not in dispute. These were the



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absolute properties of Ponnymani Ammal, who later executed a registered settlement deed on 28.09.1995, marked as Ex.A5, in favour of her son Raju. Raju died intestate on 08.03.1996, leaving behind his widow Punithavathy and a son, Raja, as his surviving legal heirs. They were each entitled to an undivided one-half share in the suit properties as Class-I legal heirs.

43. Raja, who is the husband of the first appellant Vijayalakshmi, executed a registered release deed dated 07.06.2006, marked as Ex.A6, in favour of his mother Punithavathy. He did not challenge this document during his lifetime, and the appellants have not questioned it in the present proceedings.

44. In fact, A.S.(MD)No.98 of 2025 arises from the dismissal of O.S.No.8 of 2018, a suit filed by the appellants seeking partition and separate possession, on the basis that Punithavathy was not the absolute owner of the entire properties. The learned counsel did not press A.S.(MD)No.98 of 2025, which amounts to a practical concession that the appellants are not entitled to partition or separate possession, as the properties are vested absolutely with Punithavathy.



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45. The primary contention advanced on behalf of the appellants is that Punithavathy was suffering from Schizophrenia and, therefore, ought to be treated as a person of unsound mind. In support of this claim, considerable reliance was placed on the evidence of D.W.2 Balasubramanian, the doctor who had treated her.

46. However, no arguments were advanced on the stipulations stated in Order XXXII Rule 15 C.P.C.

47. Order XXXII Rule 15 C.P.C. is as follows:-

"ORDER XXXII

Suits by or against minors and persons of unsound mind

15. Rules 1 to 14 (Except rule 2A) to apply to persons of unsound mind.- Rules 1 to 14 (except rule 2A) shall, so far as may be, apply to persons adjudged, before or during the pendency of the suit, to be of unsound mind and shall also apply to persons who, though not so adjudged, are found by the Court on enquiry to be incapable, by reason of any mental infirmity, of protecting their interests when suing or being sued."

(Emphasis supplied)



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48. The provision requires that any person alleged to be of unsound mind, either before or during the pendency of a suit, must have a guardian appointed to represent them. The Court is required to conduct an enquiry, and if satisfied that the person is incapable of understanding the procedures of the Court, a guardian should be appointed to represent such individual, whether a plaintiff or a defendant.

49. It is highly pertinent to note that when the appellants filed O.S.No.8 of 2018 seeking partition and separate possession of the suit properties, they had impleaded Punithavathy as the first defendant. However, they did not take any steps to have her examined by the Court to determine whether she was capable of participating in the judicial proceedings or understanding the nature of the proceedings. They also did not take any steps to appoint a guardian by following the due procedure. In the plaint, they never averred that she was a person of unsound mind on account of Schizophrenia. This indicates that at no stage did they contemplate declaring her a person of unsound mind.



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50. Even throughout the trial, no application was made seeking to have the first defendant, Punithavathy, examined by a medical practitioner appointed by the Court in accordance with the procedure laid down by law. Even during the pendency of the appeals before this Court, steps have not been taken. Merely relying on the examination by a private doctor and asserting that Punithavathy suffered from Schizophrenia is insufficient. Consequently, the evidence of D.W.2 becomes inconsequential and cannot be considered by this Court.

51. In **Dharmin Bai Kashyap v. Babli Sahu and others** reported in **(2023) 10 SCC 461**, the Hon'ble Supreme Court had categorically held that where a procedure is established by law, that procedure must be strictly followed. Paragraph 13 of the said judgment is as follows:-

*"13. It is well-settled principle of law that where a right or a liability is created by a statute, which gives a special remedy for enforcing it, the remedy provided by the statute must be availed of. It is also well-settled salutary principle that **if a statute provides for doing a thing to be done in a particular manner, then it has to be done in that manner and in no other manner.** In **Cherukuri Mani v. State of A.P. (2015) 13 SCC 722 : (2016) 2 SCC (Cri) 345** , it is observed that : (SCC p. 727, para 14)*



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"14. Where the law prescribes a thing to be done in a particular manner following a particular procedure, it shall be done in the same manner following the provisions of law, without deviating from the prescribed procedure."

[Emphasis supplied]

52. In the instant case, the appellants did not follow the procedure established under Order XXXII Rule 15 of the C.P.C. Consequently, they cannot claim, nor advance any argument, that Punithavathy was a person of unsound mind, whether suffering from Schizophrenia or any other infirmity. They are precluded from raising any such contention. Further, if the prescribed procedure is not followed, any act purportedly undertaken would be a nullity.

53. This principle has been affirmed in **Krishna Rai (Dead) Through Legal Representatives and others v. Banaras Hindu University, Through Registrar and others** reported in (2022) 8 SCC 713. Paragraph 32 of the said judgment is as follows:-

"32. Further in Tata Chemicals Ltd. v. Commr. of Customs, (2015) 11 SCC 628 , it has been laid down that there can be no estoppel

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against law. If the law requires something to be done in a particular manner, then it must be done in that manner, and if it is not done in that manner, then it would have no existence in the eye of the law. Para 18 of the said judgment is reproduced below : (SCC p. 636)

*"18. The Tribunal's judgment [**Commr. of Customs v. Tata Chemicals Ltd., 2004 SCC OnLine Cestat 270**] has proceeded on the basis that even though the samples were drawn contrary to law, the appellants would be estopped because their representative was present when the samples were drawn and they did not object immediately. This is a completely perverse finding both on fact and law. In law equally the Tribunal ought to have realised that there can be no estoppel against law. **If the law requires that something be done in a particular manner, it must be done in that manner, and if not done in that manner has no existence in the eye of the law at all.** Something that is illegal cannot convert itself into something legal by the act of a third person." "* [Emphasis supplied]

54. Even assuming, for the sake of argument, that Punithavathy suffered from Schizophrenia, it is well-established by the Institute of Mental Health that Schizophrenia is a treatable condition. Current treatments focus on helping



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individuals manage symptoms, improve day-to-day functioning, and achieve personal life goals, including completing education, pursuing a career, and maintaining fulfilling relationships.

55. The Hon'ble Supreme Court in **Kollam Chandra Sekhar v. Kollam Padma Latha** reported in **(2014) 1 SCC 225**, while examining whether unsoundness of mind or mental disorders, including Schizophrenia, could justify the dissolution of marriage, held that the existence of a serious mental disorder is required. It follows that even if the appellants were to rely on the evidence of D.W.2, which evidence is wholly unsatisfactory, they cannot claim that Punithavathy was incapable of entering into a contract. The evidence on this point is manifestly insufficient.

56. As noted, only a few prescriptions have been produced. D.W.2 also admitted that he had not seen Punithavathy in person since 2006, and that only her relatives would come to collect her medicines. Such evidence is wholly uninspiring and cannot form the basis to conclude that Punithavathy was suffering from a serious mental disorder sufficient to disqualify her from entering into a contract.



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57. Furthermore, the appellants did not deem it necessary to follow the provisions under Order XXXII Rule 15 C.P.C. when instituting O.S.No.8 of 2018. Nor did they file any application during the pendency of that suit to have Punithavathy examined or to appoint a guardian. The first appellant did not challenge the agreement of sale executed by Punithavathy in favour of Sheik Dawood, in which she herself had signed as a witness. Similarly, no objection was raised regarding the correctness or legality of her husband, Raja, signing as a witness to the sale deed in favour of the respondent.

58. These circumstances clearly indicate that the appellants' assertion of Punithavathy's mental condition is a contrived attempt to circumvent the decree obtained against them. Even in the Habeas Corpus Petition, serious remarks were made against the conduct of the first appellant, and it was held that filing the petition amounted to an abuse of process.

59. It is thus evident that no credible evidence has been produced to demonstrate that Punithavathy was suffering from mental unsoundness sufficient to disqualify her from entering into a contract. In fact, she purchased another



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house with the sale consideration and relocated from the suit schedule properties, living independently, which conduct is wholly inconsistent with a person allegedly incapable of managing her affairs due to alleged unsoundness of mind.

60. In view of the foregoing reasons, we are of the firm view that the appellants have failed to follow the due procedure established by law, including filing an application under Order XXXII Rule 15 of the C.P.C. and seeking the appointment of a guardian for the first defendant, Punithavathy, in O.S.No.8 of 2018. Consequently, they cannot maintain the contention that she was suffering from Schizophrenia or that she was disqualified from entering into any agreement, contract, or sale.

61. The appellants have also filed C.M.P.(MD)No.17134 of 2025 in A.S. (MD)No.97 of 2025 under Order XLI Rule 27 of the C.P.C., seeking to produce additional documents, namely, copies of the orders passed by the Mental Health Review Board at Trichy dated 27.04.2022 and 07.06.2022, medical bills and treatment records for the period between 30.05.2023 and 08.11.2024, and the medical certificate relating to the cause of death of Punithavathy dated 11.11.2024.

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64. The sale deed is a registered document, and there arises a presumption under Section 114(e) of the Indian Evidence Act, 1872 and also under Section 119(e) of the Bharatiya Sakshya Adhiniyam, 2023 that it was executed in the proper manner, with the Executant fully aware of its contents. Consequently, these documents do not advance the case of the appellants in any manner, as the foundational requirement of following the procedure under Order XXXII Rule 15 of the C.P.C. was never adhered to.

65. In view of the same, we are not inclined to take any of the documents proposed as additional evidence on record. The application is therefore liable to be dismissed.

66. In view of all these considerations, we answer the points framed for determination that the sale deed executed by Punithavathy in favour of the respondent / Mohammed Bilal is binding on the appellants, and she cannot be treated as a person of unsound mind incapable of entering into a contract. This conclusion is particularly reinforced by the fact that the procedure established by law under Order XXXII Rule 15 of the C.P.C. was not followed by the appellants, and that the Trial Court correctly appreciated the evidence on record.



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67. In the result,

(i) A.S.(MD)No.97 of 2025 stands dismissed. No costs.

(ii) A.S.(MD)No.98 of 2025 stands dismissed. No costs.

(iii) C.M.P.(MD)No.17134 of 2025 in A.S.(MD)No.97 of 2025 stands dismissed.

(iv) C.M.P.(MD)Nos.3825 and 3826 in A.S.(MD)No.97 of 2025 also stand dismissed.

Index : Yes

NCC : Yes

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To

[C.V.K., J.] & [R.V., J.]

14.11.2025

1.The III Additional District Judge,
Tiruchirappalli.

2.The Sub-Registrar,
Thuraiyur Sub-Registrar Office,
Thuraiyur Taluk,
Trichy District.

3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY COMMON JUDGMENT MADE IN
A.S.(MD)Nos.97 and 98 of 2025

14.11.2025