



S.A.(MD)No.174 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.04.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

S.A.(MD)No.174 of 2025

and

C.M.P(MD)No.6604 of 2025

Arumugam

... Appellant

Vs.

1. Chellathal

2. Lingathal

... Respondents

Prayer: The Second Appeal has been filed under Section 100 of C.P.C, to set aside the judgment and decree made in A.S.No.81 of 2023 on the file of the Additional District Court (Fast Track Court), Palani dated 24.02.2025 confirming the judgment and decree passed in O.S.No.1006 of 2022 on the file of the Sub-Court, Oddanchathiram dated 08.06.2022.

For Petitioner : Mr.D.Venkatesh

For Respondents :



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JUDGMENT

This second appeal has been filed to set aside the judgment and decree made in A.S.No.81 of 2023 on the file of the Additional District Court (Fast Track Court), Palani dated 24.02.2025 confirming the judgment and decree passed in O.S.No.1006 of 2022 on the file of the Sub-Court, Oddanchathiram dated 08.06.2022.

2. The 1st defendant in the suit in O.S.No.1006 of 2022 has filed this appeal challenging the judgment and decree passed in A.S.No.81 of 2023, wherein the 1st respondent's case for the decree for the partition in respect of suit schedule properties in 1/3 and 1/6 is confirmed.

3. Here the question of law raised by the learned counsel for the appellant is that they are acquired title by way of ouster.

4. This Court finds no pleadings in this aspect and hence both the courts below correctly have not framed any issues and both the courts below concurrently held that plaintiff is entitled to share in the suit property.



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5. The learned counsel for the appellant further submits that both the Courts below failed to consider the expenditure spent by the appellant to improve the suit schedule property.

6. In this aspect both the courts considered the evidence and concurrently held that he has not established the fact.

7. In view of that concurrent findings, this Court has no substantial question of Law to admit the second appeal and to interfere with the judgment in A.S.No.81 of 2023 on the file of the Additional District Court (Fast Track Court), Palani dated 24.02.2025 confirming the judgment and decree passed in O.S.No.1006 of 2022 on the file of the Sub-Court, Oddanchathiram dated 08.06.2022. Accordingly, this second appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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K.K. RAMAKRISHNAN, J.

rgm

To

1. The Sub Court, Oddanchathiram
2. The Additional District Court (Fast Track Court), Palani

S.A.(MD)No.174 of 2025
and
C.M.P(MD)No.6604 of 2024

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