



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

WEB COPIED BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2025

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1340 of 2014 & TR A.S.(MD)No.1 of 2024

and

M.P.(MD)No.1 of 2014

C.R.P.(MD)No.1340 of 2014:

1.Indirani

2.Ramalingam

: Petitioners

Vs.

1.Palani Ammal

2.Manimekalai

3.Pushpam

: Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the judgment and decree dated 18.12.2013 made in O.S.No.2 of 2011 on the file of the Additional District Munsif, Lalgudi and allow the above Civil Revision Petition.

For Petitioner : Mr.P.Thiyagarajan

For Respondents : Mr.R.Paranjothi



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

WEB COPY

TR AS(MD)No.1 of 2024:

Indirani

: Appellant

Vs.

1.Palani Ammal

2.Manimekalai

3.Pushpa

: Respondents

PRAYER: Appeal filed under Order 41 Rule 1 and Section 96(1) of the Civil Procedure Code, praying to set aside the decree and judgment in O.S.No.332 of 2010 dated 18.12.2013, on the file of the Additional Munsif Court, Lalgudi and decree the suit with costs.

For Appellant : Mr.P.Thiyagarajan

For Respondents : Mr.R.Paranjothi

COMMON ORDER

The present Civil Revision Petition and the Transfer A.S., arise out of the same property in between the parties. Accordingly, the Civil Revision Petition and the first appeal are disposed of by way of a common order. For brevity, the parties hereinafter are referred to as the appellant and respondent.



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

WEB COPY

2.The appellant filed a suit in O.S.No.332 of 2010, on the file of the Additional District Munsif Court, Lalgudi, claiming that the respondents are sisters. The first and second respondents executed a sale agreement on 20.09.1984, in favour of the appellant's son namely Ramamoorthy for a sale consideration of Rs.1,500/- and handed over the possession of the same on the said date to the appellant's son. However, the third respondent did not sign the sale agreement as she was minor. Thereafter, the appellant and her son had established one thatched house and kept their servant one Ramalakshmi in possession of the same. Subsequently, the patta was also transferred in their favour on the date of transfer of the suit property itself and ever since then, the appellant is in possession and enjoyment of the property by paying house tax from the year 1984. While so, the respondents in the month of August 2010, asked the appellant to hand over the possession of the said property without any condition, though the property was transferred by way of sale agreement Ex.B6., in favour of the appellant and his son, thereby, the appellant filed a suit for permanent injunction as against the respondents in O.S.No.332 of 2010, on the file of the District Munsif Court, Lalgudi.



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

WEB COPY

3.As a counter blast, the respondents filed a suit in O.S. No.2 of 2011, on the file of the Additional District Munsif Court, Lalgudi, under Section 6 of the Specific Relief Act, 1963, for recovery of possession. The respondents claim that originally the property belonged to one Vadivelu, father of the respondents and the property was assigned in favour of said Vadivelu by Government of Tamil Nadu. The original assignment order has dilapidated. Thereby, the respondents marked the certified copy as Ex.A1 and subsequently, the said Vadivelu died in the year 1968 and his wife Lakshmi Ammal also died in the year 1977, leaving alone their children as legal heirs and subsequently, they claim as if the appellant vacated the respondents forcibly and took possession. Thereby, they filed a suit under Section 6 of the Specific Relief Act.

4.Learned Counsel for the appellant submits that admittedly, the respondents entered into a sale agreement with the appellant's son and the said agreement is marked as Ex.B.6. As per Ex.B6 sale agreement, possession was handed over immediately in the year 1984 and on the basis of the possession handed over, the appellant and his son put up their servant in possession. He would further submit that as per Section 6 of the Specific Relief Act, if any



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

person is dispossessed without his consent of immovable property, otherwise than in due course of law, he or any person [through whom he has been in possession or any person] claiming through him may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit. Therefore, learned Counsel submits that the said suit filed by the respondents is not maintainable.

5.Learned Counsel for the appellant would further submit that in the present case, the dispossession was not established before the trial Court within a period of six [6] months by filing a suit. Even then, the trial Court has dismissed the suit filed by the appellant and the suit filed by the respondents was allowed, which is unsustainable and the same is contrary to Section 6 of the Specific Relief Act.

6.Learned Counsel for the appellant would further submit that admittedly, the respondents entered into a sale agreement with the appellant's son and the sale agreement was marked before the trial Court as Ex.B.6. While that being so, disbelieving the sale agreement is unsustainable and the said suit filed by the appellant is for permanent injunction and title cannot be decided in the suit filed by the appellant. Hence, the order of the trial Court dismissing the suit filed by the appellant and allowing the suit filed by the



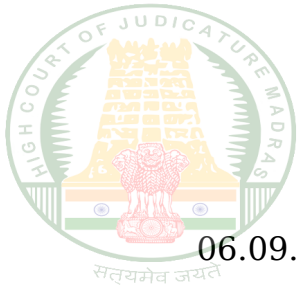
C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

respondents is liable to be set aside. Accordingly he prays for appropriate orders.

7.Per contra, learned Counsel for the respondents would submit that admittedly, the respondents are down-trodden people and considering their indigent circumstances, the State Government assigned three cents in favour of Vadivelu, who is the father of the respondents, prior to 1968. The respondent's father died in the year 1968 and their mother died in the year 1977. The appellant claims that they entered a sale agreement with the first and second respondents in the year 1984, which is denied by the respondents. Learned Counsel further submits that the respondents have filed the certified copy of the original assignment order in favour of the said Vadively as Ex.A1. He therefore submits that the trial Court has rightly appreciated the evidences available on record and rightly decreed the suit filed by the respondents and dismissed the suit filed by the appellant.

8.This Court heard the learned Counsel on either side and perused the materials available on record.

9.A perusal of Ex.B6 sale agreement reveals that the stamp papers have been purchased in favour of one Appu Thevar on



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

06.09.1984 vide Document Nos.6552, 6553 and 6554. However, the

WEB COPY

sale agreement is only on 20.09.1984 between one Ramamoorthy and the respondents. The appellant did not spell out as to how stamp papers purchased in the name of Appu Thevar can be utilised for entering sale agreement with the respondents. The said fact was not at all discussed by the Court below. Since the said document is impermissible in evidence, it is not binding on the parties. In order to grab the property from the down-trodden people, the said document has been executed. Further, in the suit filed by the respondents, they specifically averred that in the 3rd week of August 2010, the appellant taking advantage of the suit property being vacant, put up a thatched house and made one Ramalingam, who is the servant of the appellant to be in possession of the suit property. Immediately upon knowledge of the same, the respondents lodged a complaint before the Lalgudi Police Station and within a period of six months, the appellant filed a suit before the trial Court under Section 6 of the Act. Hence, the issue was rightly appreciated by the trial Court and has rightly dismissed the suit filed by the appellant and allowed the suit filed by the respondents. Hence, this Court does not find any reasonable ground to interfere with the order of the trial Court.



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

WEB COPY

10.Accordingly, both the Transfer Appeal as well as the Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02.06.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



WEB COPY



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

To

1.The District Munsif,
Lalgudi.

2.The Additional Munsif Court,
Lalgudi.

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



WEB COPY



C.R.P.(MD)No.1340 of 2014
& TR AS(MD)No.1 of 2024

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.1340 of 2014
& TR A.S.(MD)No.1 of 2024

02.06.2025