



S.A.(MD)No.213 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.08.2025

Pronounced on : 26.09.2025

CORAM

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

S.A.(MD)No.213 of 2018

and

C.M.P.(MD)No.5514 of 2018 & 10170 of 2022

Joseph Paulraj,
S/o.Loorthusamy,
Bishop House, Melappudur,
Trichy Corporation. ... Appellant/3rd Appellant /3rd Defendant

Vs.

1. Mahalakshmi
W/o. Sivasubramani
Ganapathypalayam,
Thanthoni Village,
Karur District. 1st respondent /1st respondent/Plaintiff
2. Selvam
S/o. Velusamy,
Attuvampatty,
Villpatti Village, Vilpatti Post,
Kodaikanal Taluk,
Dindigul District
3. Chellamuthu
S/o. Vaiyapur Gounder,
S. Vellalapatty,
Moolakattanoor, Karur Taluk,
Karur District. ...Respondents 2&3/Appellants 1&2/Defendants 1 &2



S.A.(MD)No.213 of 2018

WEB COPY

4. Julius Karunakaran
S/o. Late R. Christian,
New D.No.8, Kamarajar Nagar, 4th Street,
Soolaimedu, Chennai - 94.
5. Louis Joseph (Died)
S/o. Anthonysamy,
No.621 801, Pavuls,
Sri. Mushnan Road,
Andimadam, Perambalur District
6. Isac Mohanlal,
S/o. Dr. Isac Thas,
No.1/216 Meenakshi Mission Colony,
Rajakambeeram, Odaikkadu Post,
Madurai North 623 107.
7. Francis
S/o. Late Savurimuthu,
No.32/42, Balaji Avenue,
Sanjay Gandhi Nagar, Melsinthanery,
Trichy - 620 002.
8. Joshpine Mary Grace
W/o. 57/64, Anbu Nagar, 4th Cross Fort,
Trichy -12.
9. Carolin Eucharistha
W/o. Soundarajan,
No.25/10, Puliur 1st Santhu,
Kodampakkam, Trustpuram
2nd Main Road,
Chennai - 600 024. ... Respondents 4 to 9/Respondents 4 to 9/
Defendants 4 to 9
10. Reetamary,



S.A.(MD)No.213 of 2018

WEB COPY

W/o.Late.Louis Joseph,
No.621 801, Pavuls,
Sri. Mushnan Road, Andimadam,
Perambalur District.

11. Jein Pavuline,
D/o.Late.Louis Joseph,
No.621 801, Pavuls,
Sri. Mushnan Road, Andimadam,
Perambalur District.

12. Albin Paul,
S/o.Late.Louis Joseph,
No.621 801, Pavuls,
Sri. Mushnan Road,
Andimadam,
Perambalur District. ... Respondents 10 to 12/
LRs of deceased 5th Respondent

(Respondents 10 to 12 are brought on record as LR's of the deceased
8th Respondent vide court order dated 07.02.2025 made in
CMP(MD) Nos.9026,9027 and 9030 of 2024 in
SA(MD)No.213 of 2018 by KKRKJ.)

PRAYER in SA: The Second Appeal filed under Section 100 C.P.C.,
against the Judgment and Decree dated 03.02.2018 made in A.S.No.37 of
2015 on the file of Additional District Court (Fast Track Court) Palani
confirming the judgment and decree dated 06.06.2015 made in O.S.No.
201 of 2004 on the file of the Sub Court, Palani.

PRAYER in CMP(MD)No.5514 of 2018:



S.A.(MD)No.213 of 2018

WEB COPY

To grant an order of Interim Stay of all further proceedings pursuant to the Judgment and Decree dated 03.02.2018 made in A.S.No. 37 of 2015 on the file of Additional District Court (Fast Track Court) Palani confirming the judgment and decree dated 06.06.2015 made in O.S.No.201 of 2004 on the file of the Sub Court, Palani.

PRAYER in CMP(MD)No.10170 of 2022 :

To Vacate the Interim Stay granted by this Honourable Court in C.M.P. (MD). No. 5514 of 2018 in S.A. (MD). No. 213 of 2018 dated 29.06.2018 before this Honourable Court and thus render justice.

APPEARANCE OF PARTIES:

For Appellant : Mr.S.Meenakshi Sundaram, Senior Counsel
For Mr.G.Sridharan, Advocate

For Respondents : Mr.K.Balasundaram, Senior Counsel
For Mr.G.Gomathi Sankar for R1

: Mr.H.Thayumanasamy, Advocate
Mr.S.Sivasamy, Advocate for R6

: Mr.C.Sankar Prakash, Advocate for R10 to R12

JUDGMENT



S.A.(MD)No.213 of 2018

Heard.

WEB COPY

2. This Second Appeal is filed by the third defendant under Section 100 of the Code of Civil Procedure, 1908, challenging the judgment and decree dated 03.02.2018 passed in A.S. No. 37 of 2015 by the Additional District (Fast Track) and Sessions Judge, Pazhani. By the impugned judgment, the First Appellate Court affirmed the decree dated 06.06.2015 passed in O.S. No. 201 of 2004 by the Subordinate Judge, Pazhani, whereby the plaintiff's suit was decreed and a preliminary decree for partition was granted.

3. For convenience, the parties will be referred to by their ranks as in the trial court.

4. The plaintiff instituted the suit seeking partition and a preliminary decree concerning the suit property, asserting her title based on a lineage traced from one Mukka Reddiar. The defendants, however, contested her claim and asserted their own title through Jothi Nageswaran.



S.A.(MD)No.213 of 2018

WEB COPY

5. It is an undisputed fact that the suit property, along with other lands in the village, was originally owned by Raja Chidambaram Reddiar. By a settlement deed dated 05.04.1960, he transferred the property in favour of Mukka Reddiar. Upon the death of Mukka Reddiar, his children, Selvarani and Chandrasekaran, appointed Dr. Devadoss as their power of attorney agent. Acting under this authority, the said power agent executed a sale deed dated 25.01.1997 (Ex A1) in favour of Vasantha, the plaintiff's sister. On the same day, Vasantha conveyed her undivided half share in the suit property to the plaintiff under Exhibit A2. Both documents were duly registered in the office of the Sub-Registrar, Parassala, Kerala.

6. The defendants primarily challenged the plaintiff's title on two grounds: first, that the settlement deed dated 05.04.1960 executed in favour of Mukka Reddiar was sham and nominal; and second, that Exhibit A2, though registered at Parassala in Kerala, was void as the property in question was situated outside the territorial jurisdiction of the said Sub-Registrar.



S.A.(MD)No.213 of 2018

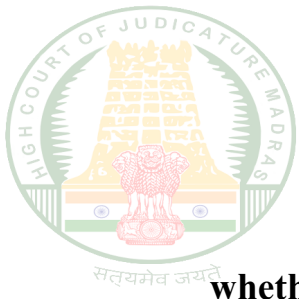
WEB COPY

7. The defendants contended that Raja Chidambaram Reddiar had executed a will dated 05.10.1986—just two days prior to his death—bequeathing the suit property to his maternal grandson, Jothi Nageswaran. Pursuant to the will, Jothi Nageswaran, along with his mother, conveyed the property to one Vasanthi on 06.08.1991. Thereafter, Vasanthi transferred the property to the first defendant on 27.09.1991, who in turn dealt with the property in favour of the other defendants.

8. At the time of admitting the Second Appeal on 29.06.2018, this Court framed the following substantial questions of law for consideration, which are extracted verbatim below:

1. Whether Ex.A1 and A2 documents registered at Parasala, Kerala on 25.01.1997 are valid in the eye of law, in view of fraudulent inclusion of certain properties in Kerala without any title?

2. When Ex.B15 to B18 court proceedings clearly establish that the suit properties do not belong to the vendor of the plaintiff,



S.A.(MD)No.213 of 2018

WEB COPY

whether the courts below were right in granting a decree for partition to the joint purchase?

3. Whether the courts below were right in holding that Ex.B15 to B18 judgment and decree will not bind the plaintiff, since the plaintiff was not a party to the said proceedings when the plaintiff's vendor was a party to the said proceedings?

4. When the defendants have purchased the suit property in the year 1991, whether the suit filed in the year 2004 for partition is not barred by limitation?

9. The defendants contended that Exhibits A1 and A2 are void, as they were registered outside the territorial jurisdiction where the suit property is situated. It is true that divergent judicial opinions have existed on this issue. However, the settled legal position is that where a document pertains to properties located in different registration jurisdictions, it may validly be registered in either jurisdiction. Mere registration outside the territorial limits does not ipso facto render the document void—unless it is established that the registration was tainted by fraud.



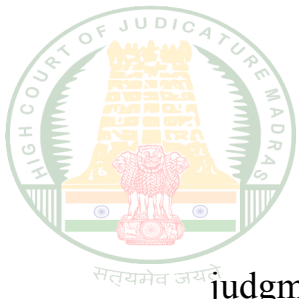
S.A.(MD)No.213 of 2018

WEB COPY

10. In the present case, the defendants have failed to establish that the inclusion of the property situated in Kerala was fictitious or fraudulent. The registering authority was satisfied as to the existence of the Kerala property and accordingly proceeded with the registration. In the absence of cogent evidence demonstrating fraud or collusion, the registration cannot be invalidated.

11. It is also pertinent to note that the executant of Exhibit A2 — namely, the mother of the first defendant—having conveyed the property to the plaintiff, cannot now turn around to question its validity. Reliance is placed on the judgment of this Court in *Gopi v. Haris David*, 2011 (1) CTC 694, wherein it was held that the mere inclusion of a property, in the absence of fraudulent intent, does not render the registration void. This principle was reaffirmed in *Lawrance (died) v. Karunakaran, S.A. No. 88 of 2003, decided on 10.09.2018*. Accordingly, Exhibits A1 and A2 are held to be valid and not void.

12. The defendants relied upon Exhibits B15 to B18—being the



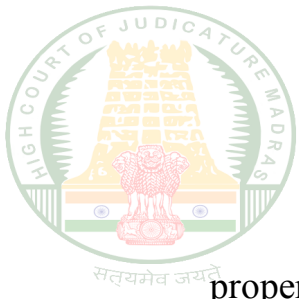
S.A.(MD)No.213 of 2018

WEB COPY

judgments rendered in O.S. No. 241 of 1996 and A.S. No. 41 of 1999—to contend that the plaintiff's claim is barred. The suit under Ex B15 was filed by purchasers of the suit property therein from the power agent of Selvarani and Chandrasekaran, against third parties seeking a decree for bare injunction. Both the trial court and the appellate court dismissed the suit and the appeal.

13. However, it is significant to note that the plaintiff in the present suit was not a party to the earlier proceedings. It is well settled that a decree passed in a civil suit binds only the parties to the litigation, their legal representatives, and persons claiming under them. It does not operate against strangers to the proceedings. The plaintiff's purchase under Exhibit A2 is an independent transaction, unconnected to the earlier litigation. Accordingly, Exhibits B15 to B18 constitute judgments in personam, not in rem, and therefore do not bind the plaintiff.

14. The plaintiff purchased the suit property under Exhibit A2, dated 25.01.1997. At the time of purchase, the mother of the first defendant—whom the plaintiff derived title—was in possession of the



S.A.(MD)No.213 of 2018

WEB COPY

property, and such possession enured to the benefit of the plaintiff. It was only in the year 2001, pursuant to Exhibit B5, that the first defendant began asserting hostile and adverse rights against the plaintiff. The present suit for partition was instituted within three years from the date of such hostile assertion. Accordingly, the suit is not barred by limitation.

15. All the substantial questions of law are answered in favour of the plaintiff/first respondent. Consequently, the judgments and decrees of the Trial Court and the First Appellate Court are hereby affirmed. Accordingly, this Second Appeal is dismissed, with costs awarded in favour of the first respondent. Consequently, connected miscellaneous petitions are closed.

26.09.2025

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

LS

To

11/13



S.A.(MD)No.213 of 2018

WEB COPY

- 1.The Additional District Court (Fast Track Court)
Palani.
- 2.The Sub Court,
Palani.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.(MD)No.213 of 2018

DR.A.D. MARIA CLETE,J.

LS

Pre-delivery Judgment made in
SA.(MD)No.213 of 2018

26.09.2025