

S.A.(MD).No.402 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

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CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A.(MD).No.402 of 2018

1.Vanitha alias Bhuvaneshwari

2.Aruna

3.V.K.Rajendiran

... Appellants/Respondents 5 to 7/
Defendants 5 to 7

Vs.

1.Nagajothi

2.Megala

3.Hariharasudhan

4.Gobinath

(R-2 to R-4 are declared as major and the guardianship of their mother/guardian R-1 Nagajothi is discharged vide Court order dated 05.02.2025 made in C.M.P.(MD).Nos. 15830, 15831, 15833 and 15836 of 2023 in S.A.(MD).No.402 of 2018)

5.Karuppanna Pillai

6.Chinnasamy

7.Maragatham

8.Agilambal

... Respondents/Appellants &

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Respondents 1 to 4/Plaintiffs &
Defendants 1 to 4

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PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the decree and judgment dated 09.09.2016 passed in A.S.No.11 of 2013 on the file of Principal Subordinate Judge, Karur, by reversing the decree and judgment dated 29.11.2011 passed in O.S.No.572 of 2007 by the Additional District Munsif, Karur and allow the Second Appeal.

For Appellants : Mr.Mukunth
Senior Counsel
for Mr.K.Suresh

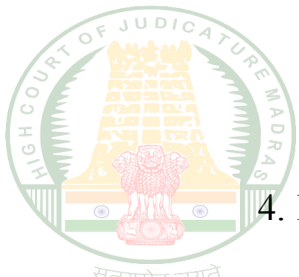
For R-1 to R-4 : Mr.G.Gomathi Shankar

JUDGMENT

The defendants 5, 6 and 7 are before this Court on appeal.

2. The Second Appeal is filed challenging the judgment and decree dated 09.09.2016 in A.S.No.11 of 2013 on the file of the Principal Subordinate Judge, Karur, reversing the judgment and decree dated 29.11.2011 in O.S.No.572 of 2007 on the file of the Additional District Munsif, Karur.

3. For the sake of convenience, the parties are referred to as per the litigative status before the Trial Court.



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4. It is the case of the plaintiffs that the plaintiffs constitute a joint family along with the legal heirs of Ramalingam Pillai. The first plaintiff, who was married to one Chinnasamy, the second defendant, was harassed and not taken care of and due to which, she is making her livelihood by working in a textile mill and taking care of her children, the plaintiffs 2 to 4. It is the further case of the plaintiffs that the first item of the suit property belong to Palaniappa Pillai as the property was purchased in the name of his wife, Karuppayee Ammal from out of the earnings of Palaniappa Pillai. The registration of sale deed in the name of Karuppayee Ammal along with Veerappa Gounder was only for convenience. Thereafter, a partition deed was executed on 25.11.1979, by which, the purchasers partitioned the property and the patta was granted in favour of Karuppayee Ammal. But the same is in common enjoyment of the joint family. After the death of Palaniappa Pillai, the property was in the management of the senior member of the family, Karuppayee Ammal and the properties were maintained as joint family properties. After the death of Karuppayee Ammal, two sons of Palaniappa Pillai and Karuppayee Ammal, i.e., Karuppanna Pillai and Ramalingam Pillai, are entitled to $\frac{1}{2}$ share each. Since Ramalingam Pillai died, the defendants 4 to 6 are entitled to that share. Karuppanna Pillai has son, Chinnasamy and daughter, Maragatham. The first plaintiff being the wife and the plaintiffs 2 to 4, who are the daughter and sons of Chinnasamy are entitled to the respective shares in the first item, which is an

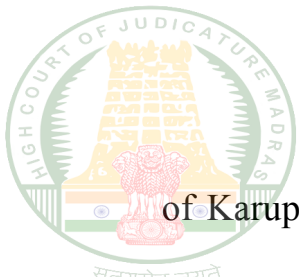


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ancestral property. Further, Items 2 and 3 of the suit properties are the properties of Palaniappa Pillai and he died intestate and as such, alike Item 1, the plaintiffs are entitled for their respective shares in Items 2 and 3 of the suit properties.

4.1. It is the further case of the plaintiffs that since the husband of the first plaintiff, Chinnasamy had not taken care of the family, the plaintiffs are entitled for maintenance and for which, a charge has to be created on the suit properties. As such, the plaintiffs had come up with the suit seeking for partition and also for payment of maintenance from the second defendant and further to create a charge on the suit properties in view of maintenance.

5. The defendants resisted the suit. The sixth defendant filed a written statement disputing the claim of the plaintiffs. It is the case of the defendants that the first item of the suit property originally belonged to one Chellappa Gounder and his son, Nagulsamy got through a partition deed dated 02.09.1940. They have sold the first item of the suit property in favour of one Veerappa Gounder, son of Palanimalai Gounder and Karuppayee Ammal, wife of Palaniappa Pillai through a registered sale deed dated 26.08.1965 for valuable consideration. Karuppayee Ammal had contributed her share from out of the funds, which were available with her that was given by her parents as sridhana during marriage. The first item of the suit property is the self-acquired property



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of Karuppayee Ammal, having purchased along with Veerappa Gounder. By a partition deed dated 25.05.1979, the purchasers had partitioned the first item of the property by metes and bounds and as per the partition, an extent of 50 cents was allotted to Veerappa Gounder and an extent of 7.90 acres was allotted to Karuppayee Ammal. Later, Veerappa Gounder had also sold that 50 cents through a registered sale deed dated 30.05.1979 in favour of Karuppayee Ammal itself for valuable consideration. As such, Karuppayee Ammal became the absolute owner and was in possession and enjoyment of the suit property. The first item of the suit property being the absolute property of Karuppayee Ammal, she had sold an extent of 4.20 acres to the fifth and sixth defendants through a registered sale deed dated 12.10.2000. The fifth and sixth defendants, who are the daughters of Ramalingam Pillai and being the granddaughters of Karuppayee Ammal, got this 4.20 acres by way of an absolute sale. Further, since Karuppayee Ammal thereafter died intestate, the two sons of Karuppayee Ammal, Karuppanna Pillai and Ramalingam Pillai inherited the balance extent of 4.20 acres with 2.10 acres each and the defendants 5 and 6 along with their mother, the fourth defendant, became entitled to 2.10 acres, which came to the share of Ramalingam Pillai, since he died intestate.

5.1. The defendants 5 and 6 have thereafter executed a power deed appointing one Elamurugu as the Power Agent and thereafter, by a registered



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sale deed dated 07.09.2007 along with their mother, had conveyed the entire extent of 6.30 acres, which came to them through purchase and inheritance in favour of one Kavitha for valuable consideration. It is the further case of the defendants that since Items 2 and 3 of the suit properties were absolutely purchased in the name of Palaniappa Pillai, the plaintiffs will not get any share. They sought for dismissal of the suit.

6. The seventh defendant, who got himself impleaded in the suit being the purchaser of 6.30 acres in the first item of the suit property, had filed a written statement contending that he had purchased 6.30 acres through a registered sale deed dated 21.07.2009 from Kavitha, who had earlier purchased the suit property from the fifth and sixth defendants and their mother, through a registered sale deed dated 07.09.2007 and sought for dismissal of the suit in respect of the lands purchased by him.

7. During trial, the first plaintiff examined herself as P.W.1, three independent persons as P.W.2 to P.W.4 and her brother Babu as P.W.5 and marked Exhibits A1 to A33. On the side of the defendants, the second defendant examined himself as D.W.1, the fifth defendant as D.W.2 and marked Exhibits B1 to B23. Further, Ex.X1 was marked through witness and two documents were marked by the Court as Exhibits C1 and C2.

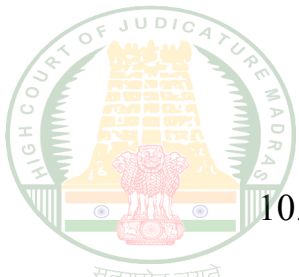


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8. After analysing the evidences, the Trial Court came to the conclusion that when the registered sale deed stands in the name of Karuppayee Ammal, the plaintiffs failed to prove that the first item of the suit property was purchased from out of the funds sourced from her husband, Palaniappa Pillai, to claim that the first item of the suit property was only a joint family property belonging to all the legal heirs of Palaniappa Pillai. The Trial Court dismissed the relief insofar as partition is concerned, but, however, decreed the suit granting relief of maintenance to be paid by the second defendant.

9. On appeal, the Lower Appellate Court rendered a finding that since in the sale deed dated 12.10.2000 executed in favour of the defendants 5 and 6, an undivided half share was sold, it can be construed that the first item of the suit property was a joint family property, which is administered by Karuppayee Ammal. On finding so, the Lower Appellate Court allowed the appeal and reversed the judgment and decree of the Trial Court insofar as the relief of partition is concerned. Ultimately, the Lower Appellate Court granted 3/24 shares in favour of the plaintiffs in all items 1 to 3 of the suit property and only modified other portion of the decree in respect of maintenance.



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10. Assailing the reversal of the finding by the Lower Appellate Court in

respect of partition, the defendants 5 to 7 are before this Court on appeal.

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11. This Court, by order dated 04.12.2018, framed the following substantial questions of law:

“1. Whether the 1st appellate court is right in reversing the well established judgment of the trial court or not?

2. Whether the property stands in the name of the female can be presumed to be her separate property or not?

3. Whether a female, whose name the property stands, has got a burden to prove that it is her separate or self acquired property or not?

4. Whether the non-examination of a lis-pendens purchaser will lead to any conclusion regarding the status of the suit property or not?

5. Whether the evidence of a lis-pendens purchaser has got any bearing upon the outcome of the suit?”

12. The learned Senior Counsel appearing for the appellants argued that when the first item of the suit property had been purchased admittedly by Karuppayee Ammal through a registered sale deed, then there is a presumption that the sale was in accordance to the recitals found in the document. It is his



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further contention that when Karuppayee Ammal had purchased the property in the year 1965 and from then on, she had been dealing with the first item in pursuance to the absolute right got by her through the sale deed, the claim of the plaintiffs that the first item of the suit property is a joint family property is without any evidence or materials. The learned Senior Counsel further contended that when Karuppayee Ammal had thereafter partitioned the suit property in the year 1979 and had obtained patta for the first item, she had been in exclusive possession and enjoyment for the period of 35 years, who had also executed mortgage of the first item in favour of Cooperative Society for availing loan as an independent owner and had thereafter conveyed 4.20 acres in favour of the defendants 5 and 6 as early as on 12.10.2000. When the admitted owner had conveyed the portion of the property for valuable consideration to the fifth and sixth defendants and more particularly, the plaintiffs have not chosen to challenge the sale deed dated 12.10.2000, it is not open for the plaintiffs to maintain a suit for partition in the year 2007 when the document goes unchallenged.

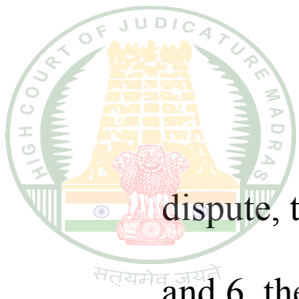
13. The learned Senior Counsel further submits that, when the plaintiffs had come up with the claim as against a registered sale deed, then the onus is on the plaintiffs to establish and prove the fact claimed by them and unless they discharge their burden, they cannot succeed in the suit. He further contended



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that admittedly, when no documents were marked by the plaintiffs, the plaintiffs only attempted to prove the same through examination of five witnesses. P.W.2 to P.W.4 outrightly denied that they had no knowledge about the purchase made by Karuppayee Ammal in the year 1965 and even the brother of the first plaintiff, P.W.5 had only stated that when P.W.1 had married in the year 1995, he was informed that everyone will get a share in the property standing in the name of Karuppayee Ammal. P.W.1 also except contending that the property was purchased from out of the funds from Palaniappa Pillai, nothing has been placed on record to prove the same and therefore, the Trial Court had rightly considered these aspects and when the plaintiffs failed to discharge their onus, had rightly dismissed the suit for partition, but, however, considering that the plaintiffs being the legal heirs of the second defendant, had granted the maintenance, over which, the present appellants are not concerned with.

14. It is his further vehement contention that the Lower Appellate Court had erred in rendering a finding that since the sale deed in favour of the defendants 5 and 6 is for an undivided share, that alone is sufficient to come to the conclusion that the entire first item of the suit property is a joint family property. When the sale deed is in respect of undivided share, if at all there can be any dispute in respect of the identity of the portion for division, it would be only between Karuppanna Pillai and Ramalingam Pillai and when there is no



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dispute, that arises between the first defendant and the father of the defendants 5 and 6, the Lower Appellate Court had erroneously come to the conclusion that it is a joint family property. Such a finding rendered by the Lower Appellate Court is not based on the evidences let in and the documents available on record and therefore, the findings are perverse and sought for interference of this Court.

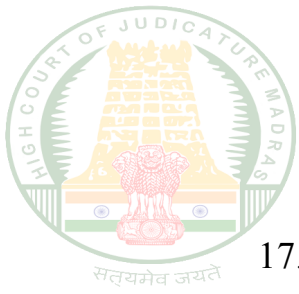
15. Contending contra, the learned counsel appearing for the respondents 1 to 4 argued that when the defendants had filed a written statement to the effect that Karuppayee Ammal had purchased the suit property through the money that was available with her in view of the sridhana granted by her parents, they have not proved the same by any material evidences and therefore, it has to be presumed that the property was bought by Karuppayee Ammal from the funds of Palaniappa Pillai, since she was not having any independent income. The learned counsel further contended that by relying on the evidence of D.W.1 to the effect that he had redeemed the property from mortgage from the Co-operative Society, the evidence would go to show that the property was treated as a joint family property. The learned counsel fairly admits that no documents have been filed by the plaintiffs to establish that the first item of the suit property was purchased from the funds of Palaniappa Pillai. But, however, it is his contention that the evidence of P.W.1 alone will be sufficient when there is necessary pleading in the plaint and also the averments are found in the proof



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affidavit to the effect that Karuppayee Ammal had purchased the property from out of the funds that was given by her husband, Palaniappa Pillai and therefore, the first item would constitute a joint family property.

16. The learned counsel further contended that insofar as Items 2 and 3 of the suit properties are concerned, admittedly, those properties were purchased and stood in the name of Palaniappa Pillai and since Palaniappa Pillai died intestate, the property devolved on his legal heirs, two sons, Karuppanna Pillai and Ramalingam Pillai. It is his contention that since Karuppanna Pillai had inherited the property from his father, Palaniappa Pillai, the properties would be ancestral in nature and the plaintiffs 2 to 4 would be co-parceners along with the first defendant, who will be entitled to $\frac{3}{4}$ shares out of the $\frac{1}{2}$ share, that will come to the first defendant, Karuppanna Pillai in Items 2 and 3 of the suit property. It is his further contention that the Lower Appellate Court had rightly considered the sale deed in the name of the defendants 5 and 6, where only undivided share was given, which would go to establish the fact that since it was a joint family, only an undivided share was granted and therefore, the finding rendered is based on the materials and needs no interference and as such, sought for dismissal of the appeal.



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17. Heard the rival submissions and perused the materials available on record.

18. It is admitted by the parties that Palaniappa Pillai had two sons, Karuppanna Pillai and Ramalingam Pillai, born through him and Karuppayee Ammal. It is also admitted by the parties that Palaniappa Pillai died intestate in the year 1997. Karuppanna Pillai had a son, Chinnasamy and daughter, Maragatham, who are the second and third defendants. Likewise, Ramalingam Pillai died leaving behind his wife, the fourth defendant and two daughters, the defendants 5 and 6. The plaintiffs are the wife, sons and daughter of Chinnasamy.

19. The plaintiffs had come up with the suit seeking for partition in Items 1 to 3 of the suit properties. It is the claim of the plaintiffs that Item 1 of the suit property is a joint family property, since the property was purchased from out of the funds of Palaniappa Pillai in the name of his wife, Karuppayee Ammal. The defendants had resisted the claim contending that Karuppayee Ammal is the absolute owner of the first item of the suit property.



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20. In this regard, the sale deed dated 26.08.1965 is filed as Ex.B8.

Perusal of the sale deed reveals that the first item of the suit property measuring 8.40 acres had been purchased by one Veerappa Gounder and Karuppayee Ammal for valuable consideration. In view of the registered sale deed in favour of the two purchasers, there is a presumption that the purchasers through the document are the absolute owners of the suit property. The two purchasers, who had purchased the first item of the suit property through Ex.B8, had executed a partition deed dated 25.05.1979 among themselves in Ex.B9. Through the partition executed, an extent of 50 cents of land was allotted to the share of Veerappa Gounder and an extent of 7.90 acres was allotted to the share of Karuppayee Ammal. In view of the partition effected, the properties were divided by metes and bounds and the respective parties became the absolute owners for the shares allotted to them. Subsequently, Veerappa Gounder again had sold 50 cents available with him through sale deed dated 30.05.1979 in Ex.B10 in favour of Karuppayee Ammal. In view of the purchase through Ex.B10, Karuppayee Ammal became entitled to the entire extent of 8.40 acres in the first item of the suit property. Karuppayee Ammal being the absolute owner and in possession and enjoyment, had been issued with patta in Ex.B1.

21. The defendants had further filed the mortgage deed executed by Karuppayee Ammal in Ex.B3 and also Ex.B11. Karuppayee Ammal, being the



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absolute owner of the first item of the suit property, had dealt with the property and had executed mortgage in favour of a Society and had availed loan. As such, from the year 1965 till 2000, Karuppayee Ammal had dealt with the suit property as an absolute owner at least for the period of 35 years. Subsequently, Karuppayee Ammal had executed a sale deed by conveying an extent of 4.20 acres in favour of the fifth and sixth defendants through registered sale deed dated 12.10.2000 in Ex.B4 for valuable consideration. Thereafter, Karuppayee Ammal died intestate on 02.03.2003. Since Karuppayee Ammal being the absolute owner had sold an extent of 4.20 acres and had remaining 4.20 acres available with her, died intestate, on her death, her two sons, i.e., Karuppanna Pillai and Ramalingam Pillai would inherit the balance properties measuring 4.20 acres as per Sections 15 and 16 of the Hindu Succession Act as Class I legal heirs. As such, by way of inheritance, the first defendant, Karuppanna Pillai inherited 2.10 acres and his brother, Ramalingam Pillai inherited the balance 2.10 acres.

22. It has to be noted that the fifth and sixth defendants, who had purchased 4.20 acres of the property from Karuppayee Ammal, are none other than the granddaughters of Karuppayee Ammal born through Ramalingam Pillai. Subsequently, Ramalingam Pillai also died intestate. After his death, the fourth defendant, his wife and the fifth and sixth defendants, his daughters



inherited 2.10 acres that came to the share of Ramalingam Pillai as Class I legal heirs under Section 8 of the Hindu Succession Act.

23. The defendants 4 to 6 became entitled to 2.10 acres of the first item of the suit property through inheritance, which came from the share of Ramalingam Pillai. Further, the fifth and sixth defendants were the owners of 4.20 acres having purchased by them through sale deed dated 12.10.2000 in Ex.B4. In view of the above, the defendants 4 to 6 became the absolute owners of a total extent of 6.30 acres in the first item of the suit property. By a sale deed dated 07.09.2007 in Ex.B19, the defendants 4 to 6 had conveyed the extent of 6.30 acres that came to them through inheritance and purchase in favour of one Kavitha, who is not a party to the suit. Pending suit, the purchaser Kavitha had sold the 6.30 acres purchased by her to the seventh defendant through a registered sale deed dated 21.07.2009. As such, in view of the sale deed dated 21.07.2009, as on date, the seventh defendant became the absolute owner of the property measuring 6.30 acres out of 8.40 acres of the first item of the suit property.

24. The defendants, by filing these documents, had established the title to the first item of the suit property. From the registered sale deed in the name of Karuppayee Ammal in Ex.B8 dated 26.08.1965 and the subsequent documents,



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as referred above, Karuppayee Ammal is an absolute owner through purchase.

The plaintiffs had only sought for partition in the first item making a claim that the first item was purchased in the name of Karuppayee Ammal from out of the proceeds given by her husband, Palaniappa Pillai. When the plaintiffs had come up with such a claim as against a registered document and wants to establish the fact, then the onus was on the plaintiffs to prove the fact, which is claimed by them. As per Section 103 of the Evidence Act, the burden is on the person to prove the fact, which he wants the Court to believe its existence. When the onus was on the plaintiffs to prove that the first item of the suit property is a joint family property, since according to them the property was purchased by the funds sourced by Palaniappa Pillai, the plaintiffs had miserably failed to prove such a contention both by oral and documentary evidence.

25. In this regard, the plaintiffs examined P.W.1 to P.W.5 to prove their contention. P.W.2 to P.W.4 are third parties running a shop or a resident, who had admitted that they do not have any knowledge about the purchase made by Karuppayee Ammal in the year 1965. P.W.5, who is the brother of the first plaintiff, had also categorically admitted that at the time of marriage of his sister in the year 1995, he was only informed that all the legal heirs would be given a share in the property that was available with Karuppayee Ammal. This does not support the contention of the plaintiffs in any way as Karuppayee Ammal being



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the owner, it was absolutely within her domain to either sell the property or to gift/bequeath to the legal heirs. The only oral evidence of P.W.1, that is available, also does not go to support her own case. Except for an averment in the plaint and in the proof affidavit to the effect that the source for the purchase by Karuppayee ammal in Ex.B8 in the year 1965 was from her husband, nothing is available on record to prove such a contention.

26. When the plaintiffs had failed to prove that the first item of the suit property is a joint family property, then, as per the registered sale deed through document in Ex.B8 and the subsequent sale deed in Ex.B10, Karuppayee Ammal is the absolute owner of the first item of the suit property. When during her life time, she had herself sold 4.20 acres in favour of the defendants 5 and 6 in Ex.B4, even the two sons, Karuppanna Pillai and Ramalingam Pillai cannot make any claim over the portion sold by their mother. Since admittedly Karuppayee Ammal died intestate thereafter in the year 2003, leaving behind the balance extent of 4.20 acres, only in respect of that extent of 4.20 acres, Karuppanna Pillai/the first defendant and Ramalingam Pillai would be entitled to 2.10 acres each.

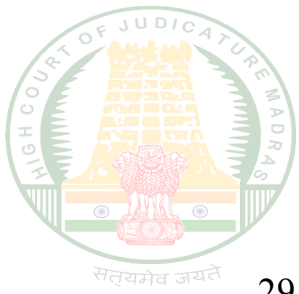
27. Further, since the property had devolved as per Sections 15 and 16 of the Hindu Succession Act from the female Hindu, Karuppayee Ammal, her son



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Karuppanna Pillai/1st defendant, who got 2.10 acres, had inherited the same as his absolute property. When this 2.10 acres is also an absolute property of Karuppanna Pillai, his son and daughter, Chinnaamy and Maragatham, would not be entitled to claim any right or share in the property, unless voluntarily given by Karuppanna Pillai or in case if he dies intestate. Admittedly, when Karuppanna Pillai was alive and party to the suit and when his son Chinnaamy himself do not have any right, the plaintiffs being the wife and daughters of Chinnaamy would have no semblance of right over the first item of the suit property. As such, the claim of the plaintiffs that, the first item of the suit property is a joint family property and they would have a share, fails.

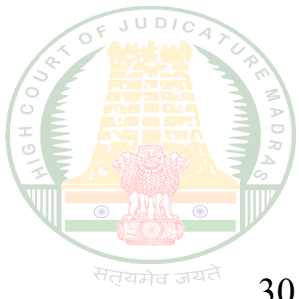
28. The Trial Court had rightly taken note of the legal aspects and had dismissed the suit for partition. However, the Lower Appellate Court had rendered a finding that since the sale deed in Ex.B4 dated 12.10.2000 is executed conveying the undivided share, it could be presumed that the first item of the suit property is a joint family property, which is against the very documents and therefore the findings rendered are perverse. As such, the judgment and decree of the Lower Appellate Court in reversing the judgment and decree of the Trial Court and granting a share in the first item of the suit property in favour of the plaintiffs cannot be sustained and has to be interfered with.



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29. In so far as Items 2 and 3 of the suit properties are concerned, the properties stood in the name of Palaniappa Pillai. He had purchased Item 2 of the suit property through sale deed dated 24.05.1979 in Ex.B22 and also the patta stands in his name in Ex.B21 for Item 3. Item 2 and 3 of the suit properties are claimed to be the ancestral properties of Palaniappa Pillai, as item 2 is bought from the income derived in item 1. Palaniappa Pillai died intestate. The property being ancestral in nature, on his death, Karuppanna Pillai and Ramalingam Pillai, being the sons would be entitled to half share each, which devolve on them as per Section 6 of the Hindu Succession Act, 1956. It is the claim of the plaintiffs that on inheriting half share in item 2 and 3 of the suit property, Karuppanna Pillai, the first defendant would not get the share as an absolute right, but the ancestral property inherited from his father would be ancestral in nature in his hands. Karuppanna Pillai cannot deal with the half share independently as his son and daughter, Chinnaamy and Maragatham, the defendants 2 and 3 had right in Items 2 and 3 of the suit properties as co-parceners, in view of Section 6 of the Hindu Succession Amendment Act, 2005. When Chinnaamy is having 1/3rd share in the ancestral property in item 2 and 3 along with his father and sister, the plaintiffs 2 to 4, who are the sons and daughters of Chinnaamy, being the co-parceners would be entitled to their respective shares in Items 2 and 3 of the suit properties.



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30. It is to be noted that Karuppanna Pillai, Chinnasamy or Maragatham has not filed any appeal, disputing the above said position. Further the appellants also does not dispute this position and the learned Senior Counsel would also submit that they are only concerned with suit 1st item in this appeal and further the appellant 1 and 2 any way will be entitled to their share in item 2 and 3, along with the plaintiffs and other co-owners. Learned Senior Counsel only submitted that the charge on the 1st item of the suit property for maintenance, could be modified to the item 2 and 3, in respect of the share of Chinnasamy. In view of the submission made and considering the fact that the property had devolved on Chinnasamy from Palaniappa Pillai and the properties are ancestral in nature, the plaintiffs are entitled for their respective share in Items 2 and 3 of the suit properties. The Lower Appellate Court has rightly granted their share in respect of the Items 2 and 3 of the suit properties in favour of the plaintiffs. As such to this extent, the judgment and decree of the Lower Appellate Court is to be sustained and accordingly sustained.

31. In view of the above deliberations, the substantial questions of law are answered in favour of the appellants and as against the respondents. The judgment and decree of the Lower Appellate Court, in so far as granting partition in respect of the first item of the suit property alone is set aside. In



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respect of Items 2 and 3 of the suit property and also in respect of the maintenance granted, the judgment and decree of the Lower Appellate Court is confirmed. The charge that is made on the 1st item of the suit property would stand modified by creating a charge on the 2nd and 3rd item of the suit property, which would also be restricted to the share, that is available in the hands of the second defendant, Chinnasamy.

32. Accordingly, the Second Appeal is partly allowed. There shall be no order as to costs.

25.07.2025

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

To

1.The Principal Subordinate Judge,
Karur.

2.The Additional District Munsif,
Karur.

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



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G.ARUL MURUGAN,J.

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