

S.A.(MD) No.362 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.08.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

S.A.(MD) No.362 of 2025

Sree Veera Bhagavan Swamy Kovil,
Aranthangi, Thiruppani Sangham,
Rep. by its President R.Balakumar,
S/o.Ramaiah Pillai,
No.95/a, L.N.Puram 3rd Street,
Aranthangi Town and Taluk,
Pudukkottai District.
Cause title is accepted vide court order
dated 26.6.25 made in CMP(MD)No.
9552/2025)

... Appellant/Appellant /2nd Defendant
Vs.

1. Annakodi
W/o.Kalimuthu,
Ookkukudi Village,
Sathiyakudi Post,
Avudaiyarkovil Taluk,
Pudukkottai District. ... 1st Respondent / 1st Respondent/ Plaintiff

2. Sathaiah Pillai
S/o.Vaithilingam,
No.12/34, Lakshmi Narasimmapuram 5th Street,
Aranthangi Town and Taluk,
Pudukkottai District - 614 616.

... 2nd Respondent/2nd Respondent /
1st Defendant



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PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the Impugned Judgment and Decree passed by the Principal District and Sessions Court Pudukkottai dated 27.01.2023 made in AS No.29 of 2019 by which confirming the Judgment and Decree made in OS No.87 of 2018 dated 08.08.2019 on the file of the Sub Court Aranthangi and allow the Second Appeal and thus render justice.

For Appellant : Mr.V.Baalasundaram, Senior Counsel,
for M/s.KBS Law Associates

JUDGMENT

Heard.

2. This Second Appeal is directed against the concurrent judgments of the courts below decreeing O.S. No. 87 of 2018 on the file of the Subordinate Judge, Aranthangi, in favour of the respondent/plaintiff for permanent injunction, which decree was confirmed in A.S. No. 29 of 2019 by the Principal District Judge, Pudukkottai.



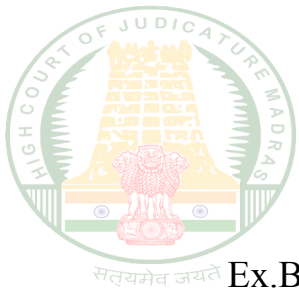
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3. For the sake of convenience, the parties would be referred to as per their ranks before the trial Court.

4. The plaintiff's case is that the suit property in Survey No. 201/4 of Lakshmi Narasimhapuram Village, measuring 7227 square feet, originally belonged to Alagammal, wife of Ethiraj, who was in possession and held patta. After her death, the property devolved upon her sister's daughter Vallikannu, who sold it to Vimala under Ex.A2 and Ex.A3, registered sale deeds dated 12.10.1995 and 29.10.1999. Vimala subsequently conveyed the property to the plaintiff under Ex.A1, a registered sale deed dated 26.02.2007. The plaintiff produced patta entries, Ex.A8 to Ex.A12 adangal extracts, and Ex.A13 kist receipt dated 28.02.2007 in Alagammal's name, to show title traced through Alagammal and possession thereafter.

5. The defence set up was that the land formed part of 63 cents dedicated to Sri Veera Bhagavan Swamy Temple under Ex.B1, a deed of gift dated 01.06.1952, and that subsequent alienations by Vallikannu and Vimala were invalid. Reliance was also placed on



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Ex.B5, an order of the Revenue Divisional Officer dated 05.06.2008 cancelling the plaintiff's patta and mutating it in the name of the temple, followed by Ex.B6 patta issued in the temple's favour, and Ex.B2, a notice of 1965 under the Madras Estates Abolition Act showing existence of temples in the inam village.

6. The trial court decreed the suit on 08.08.2019, holding that Ex.A1 to Ex.A3 formed a valid chain of registered title deeds, corroborated by patta, adangal and kist receipts, and proved ownership and possession. Ex.B1 was rejected as unregistered, produced belatedly, not proved to cover the suit survey number, and unsupported by any subsequent revenue record.

7. The plea that the suit for bare injunction was not maintainable was rejected on the ground that the plaintiff had proved possession backed by title deeds, whereas the defendants had failed to show any semblance of right.

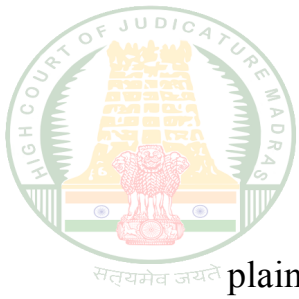


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8. The first appellate court re-appraised the matter and confirmed the decree on 27.01.2023. It reiterated that Ex.A1 to Ex.A3 and revenue entries proved title and possession. On Ex.B1, it gave reasons, namely absence of proper custody, inapplicability of Section 90 Evidence Act, and its irrelevance in earlier revenue proceedings. On Ex.B5, it noted that the order was ex parte and later set aside by the District Revenue Officer, thereby restoring patta to the plaintiff and rendering Ex.B6 patta ineffective.

9. This Court has considered whether the concurrent findings disclose any legal error warranting interference under Section 100 CPC. The plaintiff's case rests on Ex.A1 to Ex.A3, registered conveyances forming a continuous chain of title, supported by Ex.A8 to Ex.A12 adangal extracts and Ex.A13 kist receipt in the name of Alagammal, showing that title was traced back through Alagammal as pattadar. The plea that a bare injunction suit was not maintainable was properly addressed by the appellate court in light of Anathula Sudhakar. Since Ex.B1 was disbelieved and no genuine cloud on title was shown, there was no necessity for the plaintiff to seek a declaratory relief. The



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plaintiff's possession, in the case of vacant land, follows her established title. The concurrent findings that the plaintiff was in lawful possession and that the defendants had not shown any semblance of right over the suit property are well founded on law and evidence.

10. In sum, each ground raised by the appellant—validity of Ex.A2 and Ex.A3, effect of Ex.B5 and Ex.B6, evidentiary value of Ex.B1 and Ex.B2, Section 90 presumption, maintainability of suit, and rejection of additional documents—has been correctly addressed by the courts below on settled legal principles. No perversity or misapplication of law is shown. No substantial question of law arises.

11. Accordingly, the Second Appeal is dismissed at the admission stage. The judgment and decree dated 08.08.2019 in O.S. No. 87 of 2018 of the Subordinate Judge, Aranthangi, and the judgment and decree dated 27.01.2023 in A.S. No. 29 of 2019 of the Principal District Judge, Pudukkottai, are confirmed. No order as to costs.

Speaking : Yes / No
NCC : Yes / No
Index : Yes / No
LS

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- 1.The Principal District and Sessions Court
Pudukkottai
- 2.The Sub Court
Aranthangi.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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DR.A.D.MARIA CLETE, J.

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