



S.A.(MD) No.131 of 2004

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated :18.08.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.(MD) No.131 of 2004

and

M.P.No.1 of 2009

1. Alagarswami

S/o. Solai Chettiar

2. Sundaram

S/o. Late Solai Chettiar

3. Sathavoo

S/o. Late Solai Chettiar

.. Appellants

Vs.

1. Pappammal (a) Veerammal (Died)

2. Chinnammal

3. Alagarswami

S/o. Late Perumal Chettiar

4. Panjammal

5. Sundaram

S/o. Late Perumal Chettiar

(R2 to R7, who are already on record, are recorded as the LRs. of deceased 1st respondent vide memo in USR No.3439 dated 18.7.2015 & vide Court order dated 20.7.2016 by RMJ)

6. Sathavoo

S/o.Late Perumal Chettiar

7. Ramuthai (dismissed as abated vide

order of court dated 05.7.2023 by PVJ)

.. Respondents

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Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.132/2001 dated 17.06.2004 on the file of the District and Session Judge (Fast Track Court) Dindigul confirming the judgment and decree passed in O.S.No.388 of 1996 dated 28.06.2001 on the file of the Principal District Munsif, Dindigul.

For Appellants : Mr.M.Gnanagurunathan

For Respondents : Mr.T.R.Subramanian

JUDGMENT

This Second Appeal has been filed against the judgment and decree passed in A.S.No.132 of 2001 dated 17.6.2004 by the learned Additional District & Sessions Judge(Fast Track Court), Dindigul, confirming the judgment and decree passed in O.S.No.388 of 1996 dated 28.6.2001 by the learned Principal District Munsif, Dindigul.

2. The defendants are the appellants herein. Originally the suit was filed by one Mr.Perumal Chettiar, who died while the suit was pending and pursuant to that, his legal heirs were brought on record. The respondents are the plaintiffs.

3. The brief averments made in the plaint in O.S.No.388 of 1996 are as follows :

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(i) The suit properties originally belonged to one Mr.Sundaram Chettiar, who had four sons namely one Mr.Solai Chettiar (father of the defendants/appellants), the said Mr.Perumal Chettiar (original plaintiff), one Mr.Govindasamy Chettiar and one Mr.Sattuvu Chettiar. The father and sons partitioned their joint family properties under a registered partition deed dated 21.10.1959. Accordingly, "A" schedule therein was allotted to the said Mr.Sundaram Chettiar, "B" schedule therein was allotted to the said Mr.Solai Chettiar, "C" schedule therein was allotted to the said Mr.Perumal Chettiar, "D" schedule was allotted to the said Mr.Govindasamy Chettiar, "E" schedule to the said Mr.Sattuvu Chettiar and "F" schedule was kept in common. Except S.No.288/B, the other items in "F" schedule were enjoyed in common.

(ii) The above said S.No.288/B was already sold by the said Mr.Sundaram Chettiar to one Mr.Chinniyan on 05.6.1956. In spite of that, the said survey number was shown in "F" schedule as a common property. After the death of the said Mr.Sundaram Chettiar in 1964, the "F" schedule was enjoyed in common and there was an oral partition among the brothers. In the oral partition, the "F" schedule comprising of S.Nos.320/B6, 273 and 264/B1 were divided among four brothers. In S.No.273, out of 4 acres 7



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cents, the said Mr.Perumal Chettiar was allotted acres 2.03 1/2 cents, the said Mr.Govindasamy Chettiar was allotted acres 2.03 1/2 cents. In S.No. 264/B1, out of 5 acres 37 cents, the said Mr.Perumal Chettiar was allotted acres 2.68 1/2 cents and the said Mr.Govindasamy Chettiar was allotted acres 2.68 1/2 cents. The said Mr.Solai Chettiar was allotted acres 5.40 cents in S.No.320/B6. S.No.319/B measuring 20 cents and S.No.128/1 measuring 16 1/2 cents were enjoyed commonly. The brothers were enjoying the properties so allotted separately and have been dealing with the same.

(iii) There were various encumbrances and alienations by the brothers to various persons, which are borne out by records. As far as the suit properties in S.No.264/B1 and 273 are concerned, one Mr.Karuppan Chettiar purchased the share of the said Mr.Govindasamy Chettiar in the 'F' Schedule. The said Mr.Sathavu Chettiar mortgaged his share in the 'F' schedule to the said Mr.Perumal Pillai, who made over the same and assigned the mortgage in favour of the said Mr.Karuppan Chettiar. The defendants have no right or title or possession in the suit properties. While so, the defendants filed a suit in O.S.No.341 of 1993 on the file of the District Munsif Court, Dindigul in respect of S.No.264/B1 and it was dismissed on 10.6.1994. However, they created some false records to obtain

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a joint patta. They were also trying to interfere with the peaceful possession and enjoyment of the suit properties. Therefore, Mr.Perumal Chettiar filed the suit for declaration and injunction in respect of S.Nos.264/B1 and 273.

4. The suit was resisted by the defendants. The 1st defendant filed a written statement, wherein it has been stated as follows :

(i) The partition deed dated 21.10.1959 was admitted. However, the oral partition in the year 1971 was denied. On 18.7.1973, there was family arrangement in the presence of the Panchayatadars, under which, the 'F' schedule properties were divided among the brothers. This partition included the properties in S.No.288/B. Under this partition, acres 2.2 cents in S.No.273 were allotted to the defendants' father - the said Mr.Solai Chettiar. Another half was given to the said Mr.Govindasamy Chettiar, who sold his share to the said Mr.Karuppan Chettiar. Therefore, the original plaintiff had no title or right in suit item No.1.

(ii) In suit item No.2 pertaining to S.No.264/B1, the said Mr.Perumal Chettiar was not allotted any share. The defendants' father - the said Mr.Solai Chettiar and the said Mr.Govindasamy Chettiar were allotted equally and after the death of the said Mr.Solai Chettiar, the defendants were in possession and enjoyment of the said property. Initially, the Patta

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stood in the name of the said Mr.Perumal Chettiar and later, the defendants applied for a joint patta and the same was granted after due enquiry. Therefore, the plaintiff had no right or title in the suit properties. Ultimately, he sought for dismissal of the suit.

5. On the basis of the above averments, the Trial Court framed triable issues. Based on the oral and documentary evidence, the Trial Court found that the original plaintiff had proved the oral partition of the year 1971 and disbelieved the family arrangement dated 18.3.1973 and thereby decreed the suit.

6. Aggrieved by the judgment and decree passed by the Trial Court, the defendants preferred an appeal in A.S.No.132 of 2001 before the Additional District & Sessions Court (Fast Track Court), Dindigul. The First Appellate Court found that Ex.B.5 - the alleged family arrangement was not admissible in evidence for want of registration and that the defendants had not proved the genuineness of document and therefore, the First Appellate Court concurred with the findings of the Trial Court. Ultimately, the First Appellate Court dismissed the appeal filed by the

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defendants. Aggrieved by concurrent findings of both the Courts below, the above second appeal has been preferred by the defendants.

7. The second appeal was admitted by this Court on 08.9.2004 on the following substantial questions of law :

"1. Whether the Courts below are correct in holding that Ex.B.5 is not admissible in evidence for want of registration.

2. Whether the Courts below are correct in holding that the appellants/defendants have not proved the genuineness of Ex.B.5 in the way known to law".

8. After hearing the arguments on both sides, this Court, by judgment dated 09.7.2010, dismissed the above Second Appeal. Feeling aggrieved by the same, the defendants filed a review petition before this Court in Review Application in Rev.APLC.(MD)No.28 of 2011 and after hearing the same, this Court, by order dated 17.4.2013 allowed the same and directed the Registry to post the Second Appeal for hearing.

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WEB COPY 9. This Court heard both sides and perused the materials available on record.

10. It is seen that the suit properties and some other properties originally belonged to one Mr.Sundaram Chettiar. By a registered partition deed dated 21.10.1959 (Ex.A.2), the said Mr.Sundaram Chettiar and his four sons namely, the said Mr.Solai Chettiar, the said Mr.Perumal Chettiar, the said Mr.Govindasamy Chettiar and the said Mr.Sattuvu Chettiar partitioned their joint family properties and they were allotted their respective shares in the schedule of properties. However, the 'F' schedule properties were kept in common. The suit properties in S.Nos.273 and 264/B1 are some of the properties in the 'F' schedule.

11. According to the respondents/plaintiffs, the 'F' schedule properties were divided among the brothers in an oral partition in the year 1971 and the brothers were enjoying their respective shares and more particularly, the suit item No.1 in S.No.273, measuring acres 2.0.31½ cents and the suit item No.2 in S.No.264/B1 measuring acres 2.68 ½ cents, were

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allotted to the original plaintiff - Mr.Perumal Chettiar and the respondents are in possession and enjoyment of the same. On facts, both the Courts below have concurrently found that the plaintiffs proved the oral partition in the year 1971, that the defendants had not proved the genuineness of Ex.B.5 and that the same was also not admissible in evidence, as it was an unregistered document.

12. According to the appellants/defendants, the paternal uncle of the appellants filed the said suit for declaration and injunction in respect of 2 items of properties. But, the plaintiffs have not proved the oral partition of the year 1971. The original plaintiff and his 3 brothers had a registered partition under Ex.A2 (Ex.B1) on 21.10.1959. In that partition, some other items along with suit items (totally 6 items) were kept in common as 'F' schedule and it were not partitioned at that time due to certain circumstances. Out of the said 6 items of properties in the 'F' schedule, 4 items are at Jothampatti Village and 2 items are at Pudupatti Village of Dindigul Taluk. On 18.7.1973 under Ex.B5, a family arrangement was effected, in which, the suit properties and 2 items at Pudupatti Village were allotted to the appellant's/defendants' father, whose signature was found in



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Ex.B5. The original plaintiff, who had earlier mortgaged the suit properties to one Mr.Perumal Pillai under Ex.A3, redeemed the same and handed over the documents and possession to the defendants. Suppressing all these facts, long after the death of the father of the appellants and other paternal uncles, the suit was filed by the original plaintiff in a clandestine manner, with a view to usurp the suit properties. It is contended by the learned counsel for the appellants/defendants that the Courts below failed to consider that Ex.B5 (family arrangement) dated 18.7.1973 was a valid document.

13. It is seen that S.No.320/B6 measuring acres 5.40 cents out of acres 13.50 cents of the common 'F' schedule properties in Ex.A2 (Ex.B1), was allotted through Ex.B5 to the said Mr.Solai Chettiar, who sold it to one Mr.Satchithnandan through Ex.A5. It was marked by the plaintiffs themselves, which could prove the genuineness and implementation of Ex.B5. Similarly, the said Mr.Govindasamy Chettiar was allotted under Ex.B5 in the common 'F' Schedule properties a portion of acres 2.29 cents, out of acres 5.37 cents in S.No.264/B1 and another extent of acres 2.51 cents in S.No.273 and they were sold to one Mr.Chinnaveeran Chettiar



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under Ex.B6. The said Mr.Govindasamy Chettiar was allotted under Ex.B5 5 cents in S.No.319/B in the F Schedule properties. Under Ex.B5, the said Mr.Govindasamy Chettiar was also allotted acre 1.35 cents in S.No.320/B6 and it was sold to the fifth plaintiff, who is the daughter of the original plaintiff under Ex.B8.

14. Similarly, under Ex.B5, the said Mr.Sathavu Chettiar was allotted an extent of acres 5.40 cents in S.No.320/B6 in the common F schedule properties, out of which, an extent of acres 5.25 cents was sold to the said Mr.Karuppan Chettiar, S/o. Mr.Chinnaveeran Chettiar, vide the registered document No.838 of 1974 on the file of the Sub-Registrar, Natham, Dindigul District. The said Mr.Sathavu Chettiar was also allotted an extent of 0.08 1/4 cents in S.No.128/1 and out of it, he sold an extent of 0.08 cents in S.No.128/1 to one Mrs.Vijaya Ammal under Ex.B7.

15. Under Ex.B5, an extent of acres 3.30 cents in S.No.288/B was allotted to the said Mr.Solai Chettiar. As per the proceedings of the Revenue Divisional Officer, Dindigul dated 31.5.1997, after the demise of the said Mr.Solai Chettiar, appellants 1 and 2 assigned the same in favour

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of the third appellant and one Mr.Chinnayan Ambalam admitted that out of acres 8.54 cents in S.No.288/B, he had been enjoying an extent of only acres 5.24 cents and also produced supportive documents. After clear enquiry, the Revenue Divisional Officer passed the order under Ex.B21. After the said order of the Revenue Divisional Officer, Dindigul, the said Mr.Chinnayan Ambalam filed a suit in O.S.No.286 of 1997 on the file of the First Additional District Munsif Court, Dindigul against the 3rd appellant and it was dismissed on 29.9.1999. The said judgement and decree were marked as Ex.B9 and Ex.B10.

16. Under Ex.B5, it was agreed that the property mortgaged by the original plaintiff under Ex.A3 had to be redeemed by him and handed over to the father of the respondents. Accordingly, under Ex.B2 and Ex.B3, the original plaintiff redeemed and handed over the discharged mortgage deed to the said Mr.Solai Chettiar.

17. It was contended on behalf of the appellants that the vital aspect was not considered by the Courts below, that S.Nos.128/1 and 319/B in Jothampatty Village are still enjoyed in common, that however, under

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Ex.B5, it was divided, that this has been proved by the appellants by fling Ex.B7 and Ex.B8, that the same was not considered by the Courts below, that the evidence of P.W.1 against the accepted written document under Ex.B5 ought not to have been accepted under Section 92 of the Indian Evidence Act, that regarding the enjoyment of the suit properties, the plaintiffs had not filed any document and that therefore, the findings of the Courts below that Ex.B5 was not acted upon was contrary to the very basic contention of the plaintiff earlier.

18. A perusal of the records shows that pending appeal, the appellants filed a petition in M.P.No.1 of 2009 in S.A.(MD) No.131 of 2004 for formation of additional substantial question of law and based on which, now this Court is formulating the following additional substantial question of law as substantial question of law No.3:

3. Whether there was a oral partition made in the year 1971 which was affirmed by both the Courts below in their judgment and decree.

19. The relationship of the parties is admitted. Admittedly, the suit



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property and some other properties originally belonged to one Mr.Sundaram Chettiar, who had four sons namely one Mr.Solai Chettiar (father of the defendants/appellants), the said Mr.Perumal Chettiar (original plaintiff), one Mr.Govindasamy Chettiar and one Mr.Sathavu Chettiar. Mr.Sundaram Chettiar and his four sons, partitioned their joint family properties under the registered partition deed/ Ex.A2 dated 21.10.1959 and for except 'F' schedule property, the other properties were allotted respectively to their shares. 'F' Schedule property shown in Ex.A2 was kept as undivided common property. The suit properties in S.Nos.273 and 264/B1 are covered under 'F' schedule property shown in Ex.A2.

20. The disputed facts according to the respondents/plaintiffs are that the 'F' schedule properties were divided among brothers under the oral partition in the year 1971 and the brothers were enjoying their respective shares, more particularly, the suit item No.1 in S.No.273 of an extent of 2.03½ cents and suit item No.2 in S.No.264/1B, acres 2.68½ cents were allotted to the deceased/original plaintiff Mr.Perumal Chettiar. The present respondents are in possession and enjoyment of the property. According to the appellants, there was a family arrangement under Ex.B5 dated 18.7.1973 under which, the suit items were allotted to Mr.Solai Chettiar who is the father of the



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said application. Subsequently, pending suit, the original plaintiff died.

Already, in the suit, one of the issues viz., Issue No.2 was framed as to whether the family arrangement dated 18.07.1973 is a genuine one and therefore, both the parties agreed to answer the said issue and the parties were not pressing the said I.A. Subsequently, after completing the evidence on record, the trial Court gave a findings that the respondents proved the oral partition with reference to the suit property which is covered under the 'F' schedule shown in Ex.A2 and the appellants have not proved the genuinesss of Ex.B5, the so called family arrangement.

22. Challenging the said judgment and decree passed by the trial Court, the appellants filed an appeal in A.S. No.132 of 2001 before the Principal District and Sessions Judge, Dindigul and subsequently the same was made over to the Additional District and Sessions Judge (FTC), Dindigul, for disposal. The Fast Track Court dealt with the appeal and dismissed the appeal, confirming the judgment and decree passed by the trial Court.

23. Again challenging the judgment and decree passed by the first appellate Court, the appellants/defendants in the suit, have filed the present Second Appeal.

24. On a perusal of the records, this Court answers the substantial



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questions of law and also the additional substantial question of law as follows:

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24.1. As far as the first substantial questions of law is concerned, admittedly the suit properties are joint family properties of Mr.Sundaram Chettiar. Mr.Sundaram Chettiar and his four sons, divided the joint family properties under the registered partitioned deed, dated 21.10.1959, which was marked as Ex.A2 before the trial Court.

24.2. A reading of Ex.A2 shows that except 'F' schedule property, 'A' schedule property was allotted to the said Mr.Sundaram Chettiyar. 'B' schedule property was allotted to Mr.Solai Chettiar (father of the defendants/appellants). 'C' schedule property was allotted to Mr.Perumal Chettiar (original plaintiff. 'D' schedule property was allotted to Mr.Govindasamy Chettiar and 'E' schedule property was allotted to Mr.Sattuvu Chettiar and that 'F' schedule properties were kept in common. Except in S.No.288/B, the other items of 'F' schedule properties were enjoyed in common.

24.3 Admittedly the 'F' Schedule shown in the Ex.A2 (partition) were enjoyed by the four brothers commonly. Subsequently, according to the respondents, in the year 1971, the brothers divided the said property by way of oral partition and they dealt with the properties individually. Even in the year

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1971, the property was dealt with by way of mortgage and Exs.A3, A4 and A34 show that the properties were dealt with by the respondents.

24.4. However, the appellants/defendants denied the said oral partition. According to the appellants/defendants under Ex.B5, there was a family settlement between the four brothers, dated 18.7.1973. Except the oral evidence of P.W.1, absolutely there is no evidence, either corroborative or documentary, to prove the oral partition pleaded by P.W.1 and he has not mentioned the date and month of the oral partition. Therefore, the oral partition claimed by the respondents is not sustainable in law. Further, the factum of family arrangement in Ex.B5 was only a final document which totally partitioned the entire 'F' schedule property, which was kept in common under Ex.A2/the original partition deed in the year 1959 between the father and four sons. To substantiate that Ex.B5 has been accepted by all the parties and the family arrangement was acted upon for the reason that one of the parties to the family arrangement, namely Solai Chettiar, who is the first person in Ex.B5 sold his share under Ex.A5 dated 18.04.1974 to one Sachithanandam. Similarly, Mr.Govindasamy Chettiar, the third person in Ex.B5, sold his share of property to one Mr.Karuppan Chettiar under Ex.A33



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dated 04.09.1975. Similarly, Mr.Sathavu Chettiar, the fourth person shown in Ex.B5, sold his share of property to Mr.Karuppana Chettiar under the sale deed dated 12.04.1974. Though this document was not marked, the factum of the transaction was accepted by both the parties. Similarly, the said Mr.Sathavu Chettiar also sold his share of 8 cents out of 8¼ cents allotted to him under the family arrangement/Ex.B5 to one Vijayammal who is the wife of Mr.Sundaram as per Ex.B7 dated 24.05.1978. Similarly P.W.1 himself purchased 5 cents of the land in the name of his daughter Panchammal under Ex.B8, which was allotted to Govindasamy Chettiar, to whom it was allotted under Ex.B5/family arrangement. This document was also attested by P.W.1 himself. Further, the judgment and decree marked as Ex.B9 and Ex.B10 also clearly held that Ex.B5/ family arrangement is a valid document and the property measuring 3.30 acres in S.No.288/B Jothampatty Village fell to the share of the father of the appellants. Under Ex.B5, it was agreed that the property mortgaged by P.W.1 under Ex.A3 has to be redeemed by him and handed over to the father of the appellants. Accordingly, under Ex.B2 and Ex.B3, P.W.1 redeemed and handed over the discharged original mortgage deed to the appellants. This would clearly prove that Ex.B5 is a genuine document and acted upon. Unfortunately, both the Courts below omitted to

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consider the said facts and the trial Court erroneously decreed the suit as if the respondents/plaintiffs have proved the oral partition regarding 'F' schedule property shown in Ex.A2/original partition deed and the appellants have not proved the genuineness of Ex.B5/family arrangement. In the revision petition in CRP No.2561/1998, this Court clearly stated that Ex.B5 need not be registered and still both the Courts erroneously held that since Ex.B5 was not registered, the same set of documents is not a genuine one. Therefore, the findings of the trial Court regarding the same is erroneous.

24.5 Further, a perusal of records shows that though the family property was divided by registered partition deed 21.10.1959/Ex.A2, admittedly 'F' schedule shown in the said partition deed was kept as undivided common property and from 1959, admittedly in 1971 that was enjoyed as common. The respondents have stated that on oral partition in the year 1971, they divided the property and accordingly, they dealt with the said property, whereas, the appellants have stated that there was no oral partition and there was only a family arrangements under Ex.B5 dated 18.7.1973.

24.6 A careful reading of the recitals in Ex.B5 shows that it is not as if that after 1959, they made any oral arrangement and based on that, the family arrangement/ Ex.B5 was made. A reading of the language in Ex.B5 shows that



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it is only a partition deed. When the rights of the parties are effected through any deed of document, it has to be necessarily registered under Section 17 of the Registration Act. In this case, the said document was not registered. Even though in the said CRP this Court held that the document need not be registered, the correct facts were not brought to the learned single Judge and also they have referred the judgment of the Hon'ble Supreme Court when the documents were not applicable to the present case on hand. Even though this Court remitted the matter to the trial Court for consideration, admittedly both the parties have not pressed that application and proceeded with the case. Therefore, the order passed in the said CRP will not bind the parties.

24.7 However, a reading of the materials and Ex.A2 clearly shows that except 'F' schedule property, the properties were divided under registered partition deed. When that being the case, 'F' schedule was kept as common and the law permits for oral partition and also, if any arrangements and if that is reduced into writing to confirm the earlier arrangements like list of partition, it need not be registered. But if the rights of the parties is reduced in writing in any document, the said document has to be registered, otherwise, it is not admissible in evidence. Even otherwise, mere marking of the document will not give any right to the parties. If the genuineness of the document is in

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question, the genuineness of the document has to be proved, whereas in this case, a reading of the discussion made by the trial Court as well as appellate Court, they have elaborately discussed that how the respondents proved the oral partition and also the appellants have not proved Ex.B5/family arrangement.

24.8 Further, a reading of the materials produced by the parties to the trial Court and the documents referred by the appellants in Exs.B2, B6, B7 and B8, there is no reference about Ex.B5. They are dealing with the property under partition /family arrangement under Ex.B5. Though in Ex.B9 referred about Ex.B5, but there is no finding in that and therefore, it will not be helpful.

24.9 Therefore, a reading of the materials and since in the documents relied on by the appellants, there is no reference about Ex.B5 and the parties have dealt with the property only based on Ex.B5/family arrangement. Further, a reading of the entire materials, this Court finds that there is no perversity in the findings of both the Courts below regarding Ex.B5. Therefore, the first and second substantial questions of law are answered against the appellants.

25. As far as the additional substantial question of law is concerned, admittedly, both the parties have admitted Ex.A2, the registered partition deed



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between the father and four sons and also admitted that 'F' Schedule was kept as common property. Though the respondents stated that they have entered into oral partition in the year 1971 based on which they dealt with the property, Exs.A3 and A4 show that they dealt with the property even prior to Ex.B5. Though the appellants stated that through Ex.B5 only, they made arrangements, but except the nomenclature, it is a family arrangement and the recital of the document clearly shows that it is only a partition. Otherwise the rights of the parties were effected only through Ex.B5. Therefore, it is necessary to be registered. However, in the earlier substantial question of law, it is decided that even if otherwise it is admissible, however, the genuineness of the document have to be proved. But the documents relied on by the appellants will not be helpful to decide that Ex.A5 is genuine, since none of the documents refer about Ex.A5 that they got the property and dealt with the property based on Ex.B5.

26. Therefore, once they admitted that 'F' schedule was a common property and the respondents had pleaded that in the year 1971, they entered to a oral partition and they dealt with the property and that the respondents proved the oral partition through oral and documentary evidence, whereas, the appellants have not proved that Ex.B5 is genuine. As per the decision of



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Rajangam Ayyar V. Rajangam Ayyar (1923) 69 Ind Cas 123 (AIR 1922

PC 266) and Mani Bai Gita Bai, AIR 1958 SC 706, a mere agreement to

divide does not require registration. But if the writing itself effects a division, it must be registered. Since the rights of the parties have been effected through a written document, the said written document has to be necessarily registered. Otherwise, it will not be a valid document. In all other documents produced by the appellants, there is no material to show that those documents referred about Ex.B5. Under these circumstances, the additional substantial question of law, i.e. substantial question of Law No.3 is answered against the appellants. Both the Courts based on the oral and documentary evidence, dealt with the case. The first appellate Court, as a final Court of fact finding, also dealt with the factual aspects and legal aspects. As far as factual aspect is concerned, this Court does not find any perversity in the appreciation and re-appreciation of evidence by both the Courts below.

27. Under these circumstances, this Court finds that there is no merit in the appeal. Further, though this Court earlier decided the Second appeal, subsequently the appellants filed review petition pointing out the order passed by this Court in CRP and subsequently, the review petition was allowed and the second appeal was re-opened for further consideration. In Para 10 of the

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judgment of the first appellate Court, it has been elaborately dealt with regarding the order passed in CRP. However as a final Court of fact finding, it has elaborately dealt with regarding oral partition and consequential documents dealt by the respondents and also Ex.B5/family arrangements. The consequential documents relied on by the respondents have been given effect by fact finding Court and that the respondents proved the oral partition, whereas, the appellants have not proved the genuineness of Ex.B5 and the effect of non-registration.

28. This Court does not find any merit and reason to interfere with the judgments of both the Courts below. Accordingly, this Second Appeal is dismissed. However, there shall be no order as to costs.

18.08.2025

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To

1. The Additional District & Sessions Judge
(Fast Track Court), Dindigul.

2. The Principal District Munsif,
Dindigul.

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