



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10-04-2026

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DATE OF DECISION : 01-06-2026

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

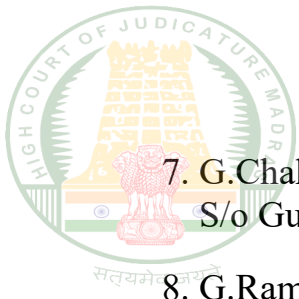
Second Appeal No. 1021 of 2004

1. D.V.Thiyagarajan
2. D.V.Nagarajan

Appellants

Vs

1. Guthi Govindarajulunaidu (Died)
S/o.Late Chinnakuppiah Naidu
2. L.Srinivasan
S/o.Late Lakshmayya Naidu
3. Lakshmi Ammal (Died)
W/o.Srinivasan
4. E.M.Srinivasan (Died)
S/o Late Lakshmi Ammal
(R5 (already on record) as the LR of
deceased R4 vide order of Court
dt.12.03.2024 made in SA.1021/2004)
5. S.Ravi @ Ravichandran
S/o Late Lakshmi Ammal
(RR4 and 5 are brought on record as LRs
of deceased R3 vide order of Court dated
11.03.2008 in CMP.No.2916/2007)
6. G.Venkadammal (Died)
W/o Guthi Govindarajulu Naidu
(R6 died, R7 to R10 (who were already
on record as LRs of deceased R6, vide
order of Court dated 12.03.2024 made in
SA.No.1021/2004)



7. G.Chakkaravarthi (Died)
S/o Guthi Govindarajulu Naidu

8. G.Ramamurthy
S/o Guthi Govindarajulu Naidu

9. G.Dhananjeyan
S/o Guthi Govindarajulu Naidu

10. G.Sriramulu
S/o Guthi Govindarajulu Naidu
(RR6 to 10 brought on record as LR's of
the deceased R1 vide order of Court dt.
02.01.13 made in CMP.Nos.406 & 407
of 2008 in SA.No.1021/2004)

11. Anushiya
W/o.G.Chakkaravarthi

12. Rudhru Ganesh
S/o.G.Chakkaravarthi
(R11 & R12 brought on record as LR's
of the deceased R7, vide order of Court
dated 03.01.2022 made in CMP.21407,
21411 & 21409/2021 in SA.1021/2004)

Respondents

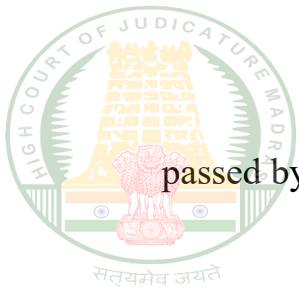
Memorandum of Grounds of Second Appeal under Section 100 of the Code of Civil Procedure, against the judgment and decree dated 18.12.2003 made in A.S.No.11 of 2000 on the file of the learned Subordinate Judge, Vellore, confirming the judgment and decree dated 24.12.1999 made in O.S.No.825 of 1987 on the file of the learned Principal District Munsif, Vellore.

For Appellants: Mr.S.Rajendrakumar

For Respondents: Mr.R.Govindasamy
for R2, R5, R8 to R12

JUDGMENT

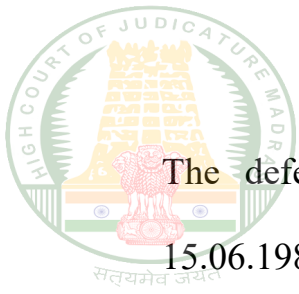
The appellants, who are the legal heirs of the deceased plaintiff, have filed this second appeal aggrieved by the concurrent judgments and decrees



passed by the Courts below.

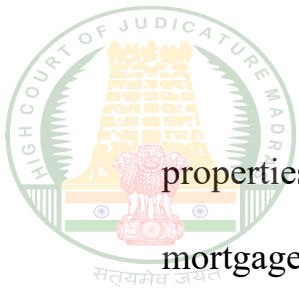
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2. The case of the plaintiff is that the suit property originally belonged to one Ammaniammal, wife of Venkatachala Naidu, who is the maternal grand mother of the plaintiff. Ammaniammal had two daughters, namely, Rajammal and Pappammal. Rajammal died issueless. Pappammal died leaving the plaintiff as her sole heir and thereafter the plaintiff was in possession and enjoyment of the schedule property. However, with the connivance of the then village officials, the defendants appear to have caused the sub-division of the schedule property into 5 sub divisions as 406/1A to 406/1E and managed to get mutation of records in their names, although they have absolutely no right, title or interest in the schedule property and they are strangers to the original holder, Ammaniammal. The plaintiff came to know of it only when he got certified copies of the village cultivation account from the Tahsildar for Fasli 1384 to 1389. However, the persons cultivating the lands are shown as the plaintiff. The plaintiff had leased the scheduled property to one Govindasami Gounder, Son of Chinnakolandai Gounder of Arunagiripettai, H/o Vallandaramam Village for cultivation and when he ploughed the land on 15.06.1987, the defendants illegally obstructed him. The plaintiff's tenant Govindasami Gounder caused the issue of notice to the defendants on 27.06.1987. The defendants sent a reply on 04.07.1987 denying the title of the plaintiff and setting up title upon themselves.



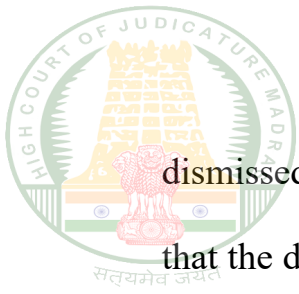
The defendants are in illegal possession of the schedule property from 15.06.1987 when they trespassed into the suit property and took forcible possession. Hence the plaintiff filed the suit for declaration of title and for possession. Since the defendants are in unlawful possession of the schedule property, they are bound to account for mesne profits from the date of filing of the suit till the date of delivery of possession.

3. The defendants filed a written statement stating that the plaintiff had no title to the property and not entitled for possession and hence the suit is liable to be dismissed in limine. The suit property originally bearing S.No.406/1 belonged to Chinnakuppayya Naidu. He was the absolute owner of the same and he was in absolute enjoyment and undisturbed possession. On the death of Chinnakuppayya Naidu, the suit property was inherited by his three sons, namely, Venkatadri Naidu, Govindarajulu Naidu and Lakshmayya Naidu. The three sons were in absolute enjoyment and undisturbed possession of the suit property. S.No.406/1 was sub divided as 406/1A to 406/1E long ago. The three sons of Chinnakuppayya Naidu were in continuous, open and uninterrupted possession of the suit properties for more than the statutory period and had also perfected their title by adverse possession also. Patta was granted in their names and they alone were paying the kists to the suit property on their behalf. The sons of Chinnakuppayya Naidu and the other heirs had also mortgaged the



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properties to Vellore Co-op. Land Mortgage Deed Bank by a registered mortgage deed as early as on 24.03.1962. Therefore, neither Ammaniammal nor her daughters or the plaintiff have got any right over the suit property and they were not in possession of the suit property at any time. On the death of Venkatadri Naidu, his wife Pappammal and his daughter Jayammal, the 1st defendant became entitled to the share of Venkatadri Naidu. Papammal had also executed a registered will dated 15.09.1972 bequeathing her property to her only daughter Jayammal, the 1st defendant. On the death of Lakshmayya Naidu, his share of property was devolved on his 3 sons, Kuppu Rao, Srinivasan/3rd defendant and Sriramulu. Guthi Govindarajulu Naidu was in possession and enjoyment of the property as its absolute owner. Therefore, it is clear that the defendants alone have got title to the properties allotted to them in the partition. The allegation that the plaintiff had leased out the suit property to Govindasamy Gounder is false. Govindasamy was not in possession of the property at any point of time. The plaintiff or the alleged Papammal and Rajammal, the daughters of Ammaniammal were never in possession of the suit property. The plaintiff seems to have manipulated and tampered with the cultivation accounts by including the name of Govindasany Gounder illegally. In any event, the cultivation accounts do not prove the alleged title of the plaintiff nor does it clothe the plaintiff with any right, title or interest over the same. The suit is highly vexatious, frivolous, devoid of merits and the same is liable to be



dismissed. The 3rd defendant also filed an additional written statement stating that the defendants and their predecessors in title have perfected their title to the suit properties by adverse possession also. Therefore, the suit is liable to be dismissed on this ground also. However, the plaintiff denied the same contending that the plaintiff and his predecessors in title by their continuous, uninterrupted possession and enjoyment of the schedule mentioned property for more than 100 years have perfected title to the schedule mentioned property by adverse possession.

4. Based on the above pleadings, the trial Court framed the following issues and additional issue:-

1. Whether the plaintiff is entitled to get the relief of declaration?
2. Whether the plaintiff is entitled to get the relief of recovery of possession?
3. Whether the plaintiff is entitled to get the relief of future mesne profits?
4. Whether the plaintiff has cause of action to file the suit?
5. What other relief the plaintiff is entitled to?

Additional issue:

Whether the defendants 2 to 4 have perfected their title to the suit property by adverse possession?

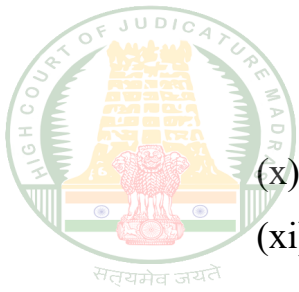
5. Before the trial Court, the plaintiff examined three witnesses, PW1 to PW3 and marked 24 exhibits, Ex.A1 to Ex.A24 and the defendants examined



three witnesses, DW1 to DW3 and marked 57 exhibits, Ex.B1 to Ex.B57. The trial Court, on appreciation of both oral and documentary evidence adduced by the parties, holding that the plaintiff has no title to the property and that the defendants have perfected their title to the suit property by adverse possession, dismissed the suit.

6. The said judgment and decree was taken on appeal and the lower appellate Court framed the following points for consideration:-

- (i) Whether the suit property originally belonged to Ammaniammal?
- (ii) Whether the suit property originally belonged to Chinnakuppayya Naidu?
- (iii) Whether the plaintiff was in possession and enjoyment of the suit property?
- (iv) Whether three sons of Chinnakuppayya Naidu were in possession and enjoyment of the suit properties as its absolute owners?
- (v) Whether the defendants are in illegal possession of the suit property from 15.06.1987?
- (vi) Whether the defendants and their predecessors in title have perfected their title to the suit property by adverse possession?
- (vii) Whether the plaintiff and his predecessors in title have perfected their title to the suit property by adverse possession?
- (viii) Whether the plaintiff is entitled to the relief of declaration as prayed for?
- (ix) Whether the plaintiff is entitled to the relief of recovery of possession as prayed for ?



- (x) Whether the plaintiff is entitled to mesne profits as prayed for?
(xi) Whether this appeal can be allowed?

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7. The lower appellate Court, after hearing both sides, rejected the contention of the plaintiff that the suit property originally belonged to Ammaniammal; that the defendants are in illegal possession of the suit property from 15.06.1987; that the plaintiffs and their predecessors have perfected their title to the suit property, has ultimately held that the suit property originally belonged to Chinnakuppaya Naidu and the three sons of Chinnakuppaya Naidu were in possession and enjoyment of the suit property as its absolute owners; that the plaintiffs were never in possession and enjoyment of the suit property; that the defendants have proved clinchingly that they and their predecessors in title have perfected their title to the suit property by adverse possession and thereby dismissed the appeal holding that the plaintiffs are not entitled to the reliefs of declaration, recovery of possession and mesne profits. Aggrieved thereby, the present second appeal has been filed before this Court.

8. This Court admitted the second appeal on the following substantial questions of law:-

“(1) Whether Ex.A1 (A register) can be admitted as the document to prove the title of the plaintiffs and their predecessors?

(2) Whether the Courts below erred in shifting the burden upon



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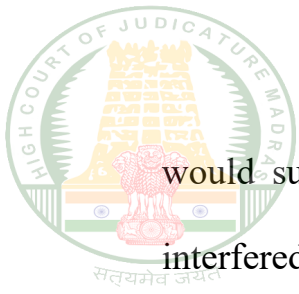


the plaintiffs to prove the title of the suit property when Ex.A1 would prove the same?

(3) Whether the Courts below erred in not casting the burden upon the respondents to prove the suit property does not belong to the plaintiffs and the predecessors?

9. The learned counsel appearing on behalf of the appellants would submit that when the appellants have proved through Ex.A1 that the suit property stands in the name of Ammaniammal, the Courts below ought to have decreed the suit, since the defendants have not filed any document to prove that she is not the owner of the property. He would further submit that the Courts below have failed to consider the document-Ex.A2, the death certificate of Ammaniammal, in which it is mentioned that Chinnakuppiah Naidu is the brother in law of Ammaniammal and also the document-Ex.A3, in which it is seen that the deceased plaintiff had cultivated the land. He would also submit that when DW1 has clearly admitted during the cross examination that the forefather's name of Chinnakupppiah Naidu is Venkatasamy Naidu, the Courts below ought not to have relied upon the document-Ex.B6, which was obtained after the filing of the suit. Therefore, the judgments and decrees of the Courts below are liable to be set aside and the second appeal is to be allowed.

10. Per contra, the learned counsel appearing on behalf of the respondents



would submit that the concurrent findings of the Courts below need not be interfered with by this Court, since the appellants have not produced any

document to prove their ownership and possession in respect of the suit schedule property bearing S.No.406/1, which originally belonged to Chinnakuppaiya Naidu and thereafter, his three sons were in possession and enjoyment of the suit schedule property. Subsequently, the said property was sub divided under the UDR Scheme as 406/1A to 406/1E and separate pattas were issued in favour of (1) Jayammal, D/o Venkatadhri Naidu (D1) in respect of S.No.406/1A, (2) Govindarajulu Naidu (D2) in respect of S.No.406/1B, (3) Kuppu Rao, S/o Lakshmaiyah Naidu (brother of D3) in respect of S.No.406/1C, (4) Srinivasan, S/o Lakshmaiyah Naidu (D3) in respect of S.No.406/1D and (5) joint patta was issued for the above said four persons in respect of S.No.406/1E. Therefore, the respondents had inherited the suit schedule property and have been in continuous possession and enjoyment of the same till date. Since the respondents and their forefather had paid the land tax and kist, the appellants have no right over the subject property as they were not in possession at any point of time. The learned counsel would also submit that when the document-Ex.A9, the legal heir certificate produced by the appellants was cancelled by the Vellore Tahsildar under the document-Ex.A10, which clearly proved that Chinnakuppaiya Naidu was the only son of Venkatachalam and Ammaniammal, the claim of the appellants that they are the legal heirs of Ammaniammal cannot



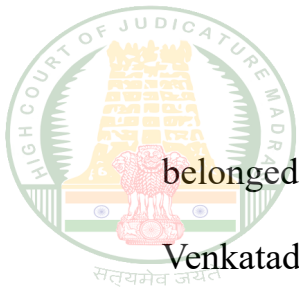
be accepted, since no appeal was preferred against the said order.

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11. This Court has considered the rival contentions and perused the materials available on record.

12. The specific case of the appellants is that the suit property originally belonged to one Ammaniammal, who is the maternal grandmother of the deceased plaintiff and great grandmother of the appellants. Ammaniammal had two daughters by name Rajammal and Pappammal. Rajammal died issueless. Pappammal is the mother of the deceased plaintiff. After the death of Ammaniammal, the deceased plaintiff was in possession and he leased out the property to one Govindasamy Gounder for cultivation and there was a coconut grove in the suit property. In the year 1987, the respondents forcibly took possession and therefore the suit came to be filed for declaration of title, recovery of possession and also for mesne profits. The trial Court failed to consider the documents produced by the appellants, especially Ex.A1 (A register), which shows that Ammaniammal was the owner of the property and dismissed the suit. The lower appellate Court also dismissed the appeal suit and hence the present second appeal has been filed.

13. The specific case of the respondents is that the suit property originally

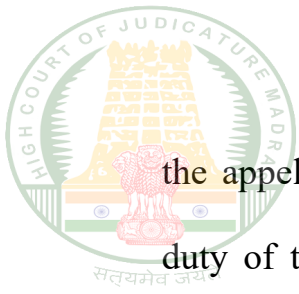


belonged to one Chinnakuppayya Naidu, who had three sons by name Venkatadri Naidu, Govindarajulu Naidu and Lakshmayya Naidu. After the death of Chinnakuppayya Naidu, his legal heirs inherited the property and S.No.406/1 was subsequently sub-divided as S.Nos.406/1A to 406/1E and they were enjoying the property. They also mortgaged the property to Vellore Cooperative Bank. Neither Ammaniammal nor the plaintiff were the owner of the property. The 1st defendant-Jayammal is the legal heir of Venkatadri Naidu, S/o Chinnakuppayya Naidu who passed away and Pappammal, W/o Venkatadri Naidu executed a registered Will bequeathing her share in favour of her daughter/1st defendant. Similarly, Lakshmayya Naidu, S/o Chinnakuppayya Naidu also passed away and his legal heirs inherited his share of the property. Thereafter, Govindarajulu Naidu, S/o Chinnakuppayya Naidu and the other defendants were in possession and enjoyment of the property. The deceased plaintiff was never in possession. Govindasamy Gounder was also not in possession of the property as a tenant at any point of time and never encroached the property. Since the oral and documentary evidence adduced and produced by the appellants have not sufficiently established their case, both the Courts below have rightly rejected the reliefs and there is no merit in the second appeal.

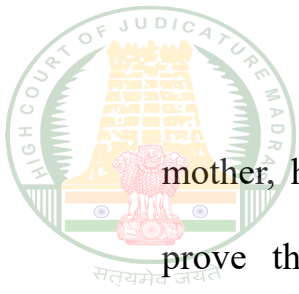
14. As far as the first substantial question of law is concerned, as



mentioned above, the deceased plaintiff filed the suit for declaration of title, recovery of possession and also for mesne profits. When a suit is filed seeking for declaration of title, it is for the plaintiff to prove his title with sufficient documentary evidence. Though the 'A' register, which is marked as Ex.A1 was filed to establish that Ammaniammal was the owner of the property, the appellants have not produced either patta or any other supportive document to claim title at the relevant point of time and even the plaint averments also do not show how Ammaniammal got the property. Though 'A' register extract is a foundational document maintained by the Revenue Department in Tamil Nadu, which provides the details as to the land classification, ownership history and other relevant information, it cannot be relied upon as a title document, since the 'A' register does not establish the ownership like patta. 'A' register is indispensable for verifying the land details, assessing tax liabilities and supporting legal and administrative procedures. In short, 'A' register extract details the classification and character of rural land containing the survey number, extent of land, land use-whether agricultural or residential or commercial and the name of the land owner. At the same time, 'A' register does not prove ownership and it holds legal and practical importance in various contexts. Therefore, though the appellants claim through Ex.A1 (A register) that Ammaniammal is the owner of the land, on a reading of the plaint and also the documents, the respondents deny the relationship between Ammaniammal and



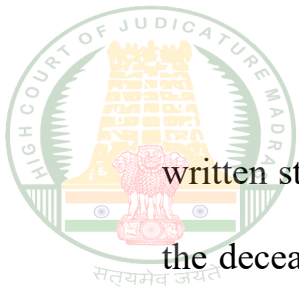
the appellants. When the respondents deny the relationship, it is the bounden duty of the appellants to first prove the relationship of the so-called original owner Ammaniammal with them. In the absence of any other documents like patta, chitta or other valid proof, the 'A' register cannot be treated as a title deed. At best, the 'A' register can be taken for knowing the name of the owner who paid the tax and when the ownership is disputed, the person who claims title has to prove the ownership in the manner known to law. Therefore, except Ex.A1 (A register), no other document shows the name of Ammaniammal. Admittedly, Ammaniammal died on 07.06.1932. But, subsequently, no documents were produced either in the name of Rajammal or Pappammal to trace the title. Though in Ex.A9, the deceased plaintiff was shown as the grandson of Ammaniammal, subsequently under Ex.A10 the same was cancelled. Admittedly, the appellants have not challenged the order under Ex.A10 cancelling Ex.A9. Though the suit was filed in the year 1987, the document under Ex.A9 was obtained by the deceased plaintiff in the year 1990 pending the suit, which has also been subsequently cancelled under Ex.A10. Therefore, when the relationship also is in dispute, the appellants have failed to prove the same when they claim title from Ammaniammal. It is also not the case of the appellants that the property was purchased by their father or the property was enjoyed by way of any testamentary succession. When they claim title from Ammaniammal, who is also not directly related or claim title through their



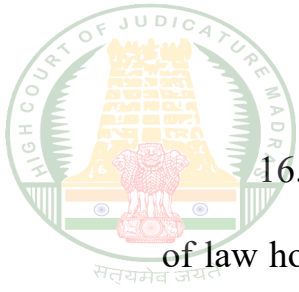
mother, have not produced the legal heirship certificate of Ammaniammal to prove that the appellants mother was the legal heir of Ammaniammal.

Therefore, in the absence of any other documents and also any proof of relationship, Ex.A1 (A register) cannot be treated as the title document of the appellants. The substantial question of law is answered accordingly.

15. As far as the second substantial question of law is concerned, when the deceased plaintiff and the appellants claim title by stating that Ammaniammal is the ancestor of the appellants, it is for them to prove first of all that Ammaniammal is the owner of the property and after Ammaniammal, they succeeded to the property either by way of testamentary or non-testamentary succession. In this case, there is no testamentary records of Ammaniammal. Though the appellants have stated that Rajammal executed a settlement deed under Ex.A13 in favour of the deceased plaintiff, the fact remains that the said settlement deed has not been proved in the manner known to law under Section 68 of the Indian Evidence Act. Therefore, the appellants neither proved that Ammaniammal is their great grandmother nor Ammaniammal is the owner of the property. When a suit is filed for declaration of title, it is the duty of the plaintiff to prove the case on his own strength, namely, by pleadings and oral and documentary evidence. He cannot take advantage of the loopholes or weakness of the defendants. A reading of the



written statement and also the cross examination done by the respondents while the deceased plaintiff was examined as a witness, categorically shows that they denied both the title and the relationship. If once the respondents deny the title and relationship, it is the duty of the plaintiff to prove the title and relationship in the manner known to law. Though in Ex.A1 (A register), Ammaniammal's name is mentioned as the owner of the property and in Ex.A12, Ammaniammal's name is mentioned till 1964, the appellants did not prove what is the date of death of Ammaniammal. When Ex.A9 shows that Ammaniammal died in the year 1932, however in Ex.A12, Ammaniammal has been shown to be the owner till 1962. Therefore, even the appellants have not proved the date of death of Ammaniammal and after Ammaniammal, even according to the appellants, Ammaniammal has got two daughters. Whether the property was transferred in the name of the two daughters or they inherited the property and paid any tax remains unknown. Though the plaintiff stated that Rajammal executed a settlement deed, the same was not proved in the manner known to law and also has not proved the relationship between Ammaniammal and himself. Therefore, both the Courts below rightly cast upon the burden on the plaintiffs to prove the case and there is no error in the finding regarding the burden of proof on the part of the appellants. The substantial question of law is answered accordingly.



16. Since this Court has already answered the second substantial question of law holding that it is for the plaintiff to prove the case on his own merit and

he cannot take advantage of the loopholes left by the other side, the third substantial question of law is merely academic. Admittedly, the respondents claim title by adverse possession and after filing of the additional written statement, the appellants are also claiming title by adverse possession. Though the appellants have stated that the suit property was leased out to one Govindasamy Gounder orally, the same was also not proved in the manner known to law and Govindasamy Gounder was not examined as a witness and there is no material to show that the appellants directly enjoyed the property or through Govindasamy Gounder by way of lease. Though the appellants sought for appointment of an Advocate Commissioner to inspect the suit property and the Advocate Commissioner was also directed to inspect the suit property with the help of a Surveyor, the report states that the Advocate Commissioner inspected the property without the Surveyor. Therefore, the identification of the property itself is doubtful. When it is the claim of the appellants that Govindasamy Gounder was in possession of the property as a tenant and the respondents trespassed into the property and forcibly removed the tenant and occupied the property, as plaintiffs, they are duty bound to prove the case on their own strength and they cannot take advantage of the weakness of the defendants while seeking the relief of declaration of title and recovery of



possession.

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17. In the light of the above discussions and findings, while answering all the substantial questions of law against the appellants, this Court finds no reason to interfere with the concurrent judgments and decrees passed by the Courts below. Accordingly, the second appeal fails and it is dismissed. There shall be no order as to costs.

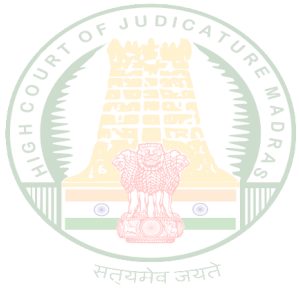
01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

ss

To

1. The Subordinate Judge, Vellore
2. The Principal District Munsif, Vellore



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SA No. 1021 of 2004



P.VELMURUGAN J.

SS

**Judgment in SA No.
1021 of 2004**

01-06-2026