



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**OSA No. 38 of 2026
and
CMP No.4023 of 2026**

J.Santhanalakahmi (Deceased)

1.Padmavathy,

2.Devatha

3.J.Sriram

4.Kumar

Appellant(s)

Vs

K.Vijaya alias Vijayalakshmi
(Deceased)

1.K.Krishnaveni,

2.K.Menaka

3.S.Nirmala

4.G.Uma Devi

5.K.Veeraraghavan

6.Revathi Mohan

7.K.Magesh

8.Kalavathi Sethuraman

E.Achutha Reddy (Deceased)

9.Shanthi

10.D.Sridhar



11.K.Mahalakshmi

12.Dhanalakshmi

13.A.J.Gopal

14.Loganathan

15.A.Maheswari

16.Sushila Jayaraman

17.Darmesh Kumar A.J

18.Harini

19.Harshini

Respondent(s)

PRAYER: Appeal filed under Order XXXVI Rule 9 of O.S.Rules r/w clause 15 of the Letters Patent to set aside the order and decretal order passed in Application No.6156 of 2025 in C.S.No.405 of 2008 dated 06.01.2026 on the file of this Court and the above OSA be allowed with costs throughout.

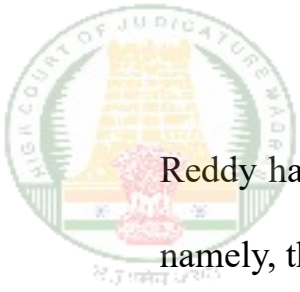
For Appellant(s): Mr.C.Jagadish

JUDGMENT

(Judgment of the Court was made by C.v.Karthikeyan, J.)

The Original Side Appeal had been filed by the fifth to eighth defendants in C.S.No.405 of 2008 questioning the order dated 06.01.2026 passed by a learned Single Judge in A.No.6156 of 2025.

2.C.S.No.405 of 2008 had been filed for partition and separate possession. Issues have been framed and matter is now ripe for trial. The appellants herein were not originally impleaded as defendants in the suit. It is the case of the parties to the suit that the father of the appellants Jaganatha



Reddy had been given in adoption to another family and therefore, his branch, namely, the appellants herein cannot claim any share in the suit properties which were the subject matter of the suit for partition. However, the appellants herein have filed an application and had been impleaded as further defendants in the suit.

3.It had been stated by the learned Single Judge in an earlier order that the burden of proving the adoption of the father of the appellants would lie solely on the plaintiff in the suit. It is the grievance of the learned counsel for the appellants that the plaintiff had filed A.No.6156 of 2025 seeking to introduce a compromise memo as a document during trial. It is contended that in the said compromise memo, the appellants were not signatories and it is therefore contended that if it is taken on record, serious prejudice would be caused to the appellants herein as they were not signatories to the compromise memo, and therefore, properties would not be allotted to them and would be allotted only in accordance with the compromise memo in which they were not parties.

4.The learned Single Judge had allowed A.No.6156 of 2025 by stating that the said document can be taken on record subject to proof and relevancy. We have to also take into consideration the appellants herein who can raise a reasonable argument that they will be left high and dry, if the suit is proceeded on the basis of the compromise memo. We would therefore clarify that the said



document could be taken on record and marked as an exhibit, but however subject not only to relevancy and proof, but also subject to the issue of adoption being proved by the plaintiff in the manner known to law. If the adoption is proved, then, the compromise memo omitting the appellants herein will have to be viewed differently and if the adoption is not proved, then, it would have to be disregarded. We will leave the privilege of interpretation to the learned Single Judge.

5.Observing as above, the Original Side Appeal stands disposed of at the time of admission without issuing notice to the respondents.

(C.V.K.J.,) (K.B.J.,)
16-02-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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OSA No. 38 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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OSA No. 38 of 2026

16-02-2026