



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR**SA No. 223 of 2026 and
CMP.No.5953 of 2026**

1. J.Vadivelu
- 2.V.Damodaran

..Appellant(s)

Vs

Sri Pachaiamman Devasthanam
Rep. By its Executive Officer
Mannarsami Koil Street
Anna Salai, Chennai- 600 002.

..Respondent(s)

PRAYER: Second appeal is filed under Section 100 of Code of Civil Procedure, praying to set aside the Judgment and decree dated 27.10.2025 made in A.S.No.31 of 2024 on the file of XX Additional City Civil Court at Allikulam, Chennai confirming the decree and judgment dated 18.12.2023 made in O.S.No.1669 of 2016 on the file of XVIII Assistant City Civil Court, Chennai.

For Appellant(s): Mr.K.V.Ananthakrishnan

JUDGMENT

The unsuccessful plaintiffs are the appellants herein. They filed a suit seeking declaration of title and permanent injunction against the respondent temple. The suit was dismissed by the trial court and the findings of the trial court were confirmed by the first appellate court. Challenging the concurrent findings against them, the plaintiffs have come before this court by way of second appeal.



2. According to the plaintiffs, the suit property was originally belonged to Appa Durai Chetty and 3 others. Pursuant to the decree dated 31.10.1944 passed by this court in CS.No.14 of 1944, the suit property was brought to sale in auction and one C.M.Vadivambal had been declared as successful purchaser. The sale was confirmed by order dated 04.09.1946 and subsequently, the sale certificate was issued on 17.10.1946. The said Vadivambal and her sons sold the property to father of the plaintiffs namely K.Jambulinga Mudaliar under sale deed dated 30.08.1948. The father of the plaintiffs died on 25-02-1961 and thereafter, there was a partition suit between the legal representatives of the said K.Jambulinga Mudaliar. As per the compromise decree dated 05-10-1978 made in CS.No. 191 of 1977, the suit property was allotted to the share of the first plaintiff. Thus, the 1st plaintiff had become absolute owner of the property and he has been in possession and enjoyment of the same from the date of allotment in his favour in the compromise decree.

3. The second plaintiff is the son of the first plaintiff. In the family arrangement that had taken place in the year 2000, the suit property was allotted to second plaintiff. As on today, the second plaintiff is the owner of the suit property and he has been paying property tax to the competent authority.

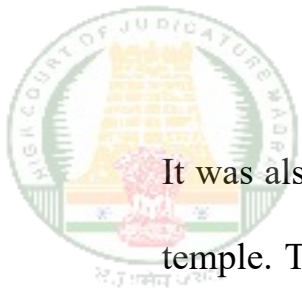
4. It is claimed by the plaintiffs that they received a notice on 04-07-2009 from the Executive Officer of the respondent temple claiming that the suit site belonged to the temple and the first plaintiff committed a trespass into the property of the temple. The first plaintiff sent a reply to the respondent temple



enclosing the copies of the documents conferring title on him. It is further claimed by the plaintiffs that the Executive Officer of the respondent temple started locking the nearby premises on the ground that all the properties at Boothaperumal Mudali Street are owned by respondent Devasthanam. Since the Executive Officer of the respondent temple made arrangement to lock the suit premises, the plaintiffs were constrained to file a suit for declaration and injunction.

5. The respondent temple/defendant filed a written statement and denied the ownership of the appellants over the site of the suit property. According to the respondent temple, the site of the suit property which lies in Survey.No. 9/8 belongs to the temple and the revenue records stand in its name. It was also stated that the respondent temple was not a party to the suit in CS.No. 14 of 1944 and any order passed thereon and the sale in favour of plaintiffs' predecessor in interest would not bind the temple. It was also stated that the respondent temple was not a party to the sale deed dated 30.08.1948 executed in favour of plaintiffs' father and hence, the same is not binding on the temple.

6. It is the specific case of the respondent temple that in the compromise decree referred to in the plaint under which the plaintiffs claimed right over the suit property, there was a clear mention about the right of the temple over the suit site and hence, the plaintiffs are not entitled to seek declaration of title over the suit property. It was also stated that in view of Section 109 of HR & CE Act, the plaintiffs could not claim adverse possession against the respondent temple.



It was also stated that the adjacent properties are all belonged to the respondent temple. The respondent also claimed in the written statement that there was no cause of action for maintaining a prayer for injunction as there was no disturbance by the respondent temple.

7. Before the trial court, the 1st plaintiff was examined as PW1 and nine documents were marked on their side as Ex.A1 to Ex.A9. On behalf of the respondent temple, one Nithyanandan, the then Executive Officer of the temple was examined as DW1. The successive Executive Officers of the temple were examined as DW2 and DW3. Six documents were marked on the side of defendant as Ex.B1 to Ex.B6.

8. The Trial Court, based on the oral and documentary evidence available on record, came to the conclusion that the plaintiffs were not entitled to declaration of title and injunction as prayed for and hence, dismissed the suit. Aggrieved by the same, the plaintiffs preferred an appeal before the first appellate court in A.S.No.31 of 2024 on the file of the XX Additional District Judge, City Civil Court, Allikulam, Chennai and the said appeal was dismissed by confirming the findings of the trial court. Aggrieved by the said concurrent findings, the appellants have come before this court.

9. The learned counsel for the appellants would contend that the respondent temple, in order to establish its right over the site of the suit property, only produced revenue documents and the revenue documents will not confer any title to the respondent temple. The courts below, ignoring the settled



law, committed an error in coming to the conclusion that the respondent established the right over the suit property and hence, dismissed the suit. He further submitted that the sale in favour of plaintiffs' predecessors-in-interest will confer clear title and any inadvertent admission by the plaintiffs would not confer title on the respondent. Therefore, the trial court ought have decreed the suit as prayed for. In support of his contentions, the learned counsel relied on the following judgements.

(i) Jitendra Singh Vs State of Madhya Pradesh and Others reported in 2021 SCC OnLine SC 802.

(ii) Karuppusamy Gounder Vs Rukmani reported in (2000) 3 MLJ 350.

(iii) Palaniswamy Konar Vs Gopala Konar and 8 others reported in (1997) 3 LW 888.

(iv) Rajnibai @ Mannubai Vs Kamla Devi and Others reported in (1996) 2 SCC 225.

(v) Bhimabai Mahadeo Kambekar (dead) through legal representative Vs Arthur Import and Export Company and Others reported in 2019 SCC OnLine SC 99.

10. A close scrutiny of the pleadings of the plaintiffs would indicate that the first plaintiff claiming title over the suit property under compromise decree entered between him and his siblings dated 05.10.1978 marked as Ex.A3. Therefore, it is clear that Ex.A3 is the immediate title document of the plaintiffs.



11. It is the case of the plaintiffs that in the compromise decree, Ex.A3, the suit property was allotted to first plaintiff under item 4 of Schedule 'B' to the compromise decree. It was also clearly mentioned in the compromise decree that the superstructure in item 3 and 4 of Schedule 'B' stands in a leasehold land owned by Sri Pachaiaimman Devasthanam, the respondent herein. The first plaintiff was a party to the compromise decree and he claims that the suit property was allotted to him under the compromise decree. In the said compromise decree, there is a clear clause stating that site of the suit property owned by the respondent temple. The person claiming title under a document cannot rely on portion of the document which is in his favour and ignore the remaining portion of the document which is not in his favour. When Ex. A3, under which the first plaintiff claims that the suit property was allotted to his share, clearly mentions that site of the suit property belongs to the respondent temple, the plaintiffs are not entitled to claim declaration of title over the suit property.

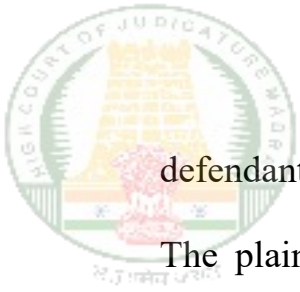
12. The learned counsel for the appellants submitted that the admission will not confer title on the respondent and pressed into service ***Palaniswamy Konar case*** cited supra. Therefore, according to him, the courts below committed an error in relying on Exhibit A3. It is true that admission will not confer any title on a person in whose favour admission is made. However, this is not a case where the respondent Devasthanam claims declaration of its title. The plaintiffs claim declaration of their title over the suit property by claiming



right through Exhibit A3. When the document under which the plaintiffs claim right over the suit property clearly stipulates the plaintiffs have got only leasehold right over the site of the property and the site belongs to the respondent, the prayer for declaration of title made by the plaintiffs is not at all sustainable.

13. It is settled law that in a suit for declaration of title, the plaintiff has to succeed on his own strength and he cannot take advantage of the weakness of the defence. Even assuming the defendant failed to establish right over the suit property, the plaintiffs are not entitled to declaration of title unless they prove their absolute title over the suit property. A clause in the compromise decree, Exhibit A3, destroys the very foundation of the plaintiffs' case and hence, the judgment relied on by the learned counsel for the appellants in ***Palaniswamy Konar*** case cited Supra will not be helpful to the appellants.

14. The learned counsel for the appellants also submitted that the revenue documents will not confer any title and therefore, the trial court ought not have decreed the suit. As mentioned earlier, the respondent temple has not sought for declaration of title. Merely because the respondent temple relied on only revenue documents, we cannot decree the suit filed by the plaintiffs. In view of the inherent weakness in the plaintiffs' case, in the light of Clause in Exhibit A3-the title document of the plaintiffs, admitting the right of the temple over the suit site, both the Courts below came to the conclusion that the plaintiffs were not entitled to declaration of title. The revenue documents in the name of



defendant is only a piece of evidence while deciding the title of the plaintiffs.

The plaintiffs claim that their predecessor-in-interest purchased the property long back in the year 1948. However, they have not produced any document to show the site of the suit property stands in the name of either plaintiffs or their predecessor-in-interest. However, the respondent temple produced document to show that the site of the suit property with T.S.No. 9/8 stands in the name of respondent temple. Exhibit B5 is the proceedings of the Tahsildar, Egmore Chennai, wherein it is clearly mentioned that the suit superstructure with Door No. 5 with an extent of 462 square feet stands in T.S.No. 9/8 and the same belongs to the respondent temple. From the permanent land register annexed with the said proceedings, it can be gathered that the suit site stands in the name of respondent temple. The plaintiffs are unable to explain why the revenue records for the suit site has not been mutated in their favour or in favour of their predecessor-in-interest in spite of passing of more than seven decades from the date of alleged purchase. The answer for the said question lies in Exhibit A3, wherein the first plaintiff himself admitted that the site of the suit property belonged to the respondent temple. Therefore, the submission made by the learned counsel for the appellants that the revenue documents will not confer title on the respondent is not helpful to him. In the present case, we are only concerned with the title of the plaintiffs. We need not go to the question whether the respondent temple has got title over the suit site. If the revenue documents produced by the respondent temple are read along with the



admission of the 1st plaintiff under Exhibit A3, his title document, we can safely come to the conclusion that the plaintiffs have got no title over the suit site. In view of the above discussion, the judgments relied on by the learned counsel for the appellants in *Jitendra Singh case*, *Karuppusamy Gounder case* and *Bhimabai Mahadeo Kambekar case* cited supra are not helpful to the appellants in the facts and circumstances of the case.

15. It was contended by the learned counsel for the appellants that admission in Exhibit A3, compromise decree is due to inadvertence and the same has to be ignored. The plaintiffs claim right under Exhibit A3, compromise decree. Though the decree was passed in the year 1978, till date, the plaintiffs have not taken any steps to rectify or amend the decree. Therefore, at this distant point of time, it is not open to the plaintiffs to say that admission made by them in Exhibit A3 is due to inadvertence and hence, it has to be ignored. As submitted earlier, when the plaintiffs claim right under one document, he cannot say that only portion of the document which is in their favour should be considered leaving the rest of the document which goes against their right.

16. Though the plaintiff claimed that respondent temple authorities attempted to interfere with his possession over the suit property, he has not substantiated the same by leading any independent evidence except his interested testimony. Hence, cause of action pleaded by plaintiff in support of prayer for injunction appears to be imaginary. Further, when it is found that the



plaintiff is not entitled to main relief of declaration, he is not entitled to consequential relief of prohibitory injunction.

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17. In view of the above discussion, I do not find any perversity in the findings reached by the Courts below that the plaintiffs failed to establish their title over the suit property and finding no substantial question of law arising for consideration, the second appeal stands dismissed.

18. Accordingly, the second appeal stands dismissed.

a) by affirming the judgment and decree dated 27.10.2025 made in A.S.No.31 of 2024 on the file of XX Additional City Civil Court, Allikulam, Chennai confirming the judgment and decree dated 18.12.2023 made in O.S.No.1669 of 2016 on the file of XVIII Assistant City Civil Court, Chennai.

b) In the above facts and circumstances of the case, there will be no order as to costs.

c) Consequently, the connected miscellaneous petition is closed.

10-03-2026

Index: Yes
Speaking Order
Neutral Citation: Yes
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To

1. The XX Additional City Civil Court, Allikulam, Chennai
2. The XVIII Assistant City Civil Court, Chennai.



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S.SOUNTHAR, J.

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