



S.A.No.640 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2026

Coram:

THE HONOURABLE MR.JUSTICE P.DHANABAL

S.A.No.640 of 2015
and
M.P.No.1 of 2015

R.Rajendran

.. Appellant

Vs.

1. Thirumagal

2. Ulaganayagi

3. Muthu @ Aravamudhan

4. The Commissioner, Cuddalore Municipality, Cuddalore.

.. Respondent

Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 10.02.2015 passed in A.S.No.11 of 2014 on the file of the III Additional Subordinate Judge, Cuddalore, confirming the judgment and decree dated 10.09.2013 passed in O.S.No.263 of 2000 on the file of the Additional District Munsif Court, Cuddalore.

For appellant : Mr.R.Gururaj

For respondents: Notice served - No appearance

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JUDGMENT

This Second Appeal has been preferred against the judgment and decree dated 10.02.2015 passed in A.S.No.11 of 2014 on the file of the III Additional Subordinate Judge, Cuddalore, confirming the judgment and decree dated 10.09.2013 passed in O.S.No.263 of 2000 on the file of the Additional District Munsif Court, Cuddalore.

2. The appellant is the plaintiff in the said suit.

3. For brevity, the parties are referred to herein, as they are ranked before the trial Court, as plaintiff and defendants.

4. The suit in O.S.No.263 of 2000 has been filed by the plaintiff stating as under:

(a) The property and other items are the ancestral properties of the plaintiff's family and in possession of the family for a long time. There is a cattle shed in A-schedule property and cows are tethered there. The cow-dung and hay-rick are stored in A-schedule property. Earlier, the plaintiff's brother



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Gunasekaran and Kannan have jointly filed a suit in O.S.No.157 of 1996 before the Subordinate Court, Cuddalore, against the plaintiff and his children for partition and separate possession. A compromise decree was passed therein, wherein the suit A-schedule property was allotted to the share of the said Kannan, who was in possession and enjoyment. The plaintiff purchased the suit A-schedule property from Kannan by means of a registered sale deed, dated 15.11.1999. Ever-since, the plaintiff is in exclusive possession and enjoyment of A-schedule property in his own right. He has also prescribed title by adverse possession.

(b) The B-schedule property is the house bearing Door No.3 in Kallarai Street and it was allotted to the share of the said Gunasekaran, who was not residing in the B-schedule property. The plaintiff and the said Kannan are residing in the B-schedule property. C-schedule property is the South Kallarai Street, which is a public road with every citizen having right of way. The plaintiff in particular has the right of ingress and egress to the 'A' and 'B' schedule properties and has every right to use it, as there is no other way. The plaintiff has prescribed the right of easement and no-one can prevent the plaintiff from using the C-schedule property.

(c) It is the duty of the fourth defendant to ensure the existence of the road and preserve the right of access to its subjects. The defendants 1 to 3 are



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the daughter, mother and son respectively and they are inimically disposed of towards the plaintiff.

(d) With a view to grab the plaintiff's property, since 28.05.2000, they are making concerted efforts to block the road beyond their limits by putting up unauthorised constructions, thereby, they wanted to obstruct the plaintiff's usage of A and B-schedule properties. It is only an attempt to pressurise the plaintiff to dispose of the property. The defendants 1 to 3 were adamant in raising unauthorised construction in the C-schedule property. The fourth defendant is only a mute spectator. If any encroachment is made, the plaintiff will suffer irreparable loss and hardship and hence, the suit is filed for declaration of plaintiff's title to use C-schedule property as a "public pathway" to reach A and B-schedule items and consequently to restrain the defendants, their men, agents, in any manner interfering with the plaintiff's right to use the C-schedule property as a public pathway to reach A and B-schedule properties and alternatively, it was sought to declare the plaintiff's right of easement to use the C-schedule property as a public way to reach A and B-schedule properties and also for permanent injunction, restraining the defendants, their men, against in any manner interfering with plaintiff's right to use C-schedule property as a right of easement to reach A and B-schedule items and also to direct the fourth



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defendant by way of mandatory injunction to maintain the C-schedule item as a public pathway.

5. The defendants 1 to 3 have filed written statement with counter-claim stating that the plaintiff's claim for declaring title of the first defendant in respect of the suit A and C-schedule properties and also for permanent injunction restraining the plaintiff and his agents, men in any manner interfering with the first defendant's peaceful possession and enjoyment of A and C-schedule properties.

6. The defendants 1 and 3 have filed written statement and counter-claim, which was adopted by the second defendant, stating briefly as follows:

(a) The plaintiff's claim is not true and he is not entitled to any relief. The defendants denied all the allegations in the plaint and it is false to state that the suit A and C-schedule properties are the ancestral properties of the plaintiff's family and in possession of the plaintiff's family for a long time.

(b) The defendants are unaware of the proceedings in the said suit in O.S.No.157 of 1996, which will not bind them. The alleged compromise decree and the allotment made by the parties therein, are collusive only to grab the property of the first defendant by unjust enrichment.



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(c) The alleged sale deed dated 15.11.1999 in favour of the plaintiff is not true and valid and it will not confer any title to the plaintiff. The vendor himself has no title or right over the property. The plaintiff's family was never in possession of the suit A and C-schedule properties, as the same is falsely alleged in the plaint and the family of the plaintiff has no right, title or possession over the same.

(d) The plaintiff has not put up the cattle shed which is falsely alleged and he is also not tethering in the house. The defendants are tethering in their house and plaintiff has no necessity to move through C-schedule property, as he has got entrance to his house B-schedule property about 20 feet away from the Southern boundary of A and C-schedule items. The defendants deny the claim of the plaintiff and are making counter-claim in respect of A and C-schedule properties.

(e) It is false to state that C-schedule property is on the South Kallarai Street and it is only a public road. The plaintiff has no right to ingress or egress and the allegations are only misconceived and self-serving. It is false to state that the defendants are blocking the road beyond their limits by putting up construction with C-schedule property, in order to dispose of the properties to the defendants and the reliefs sought for by the plaintiff, which are mutually contradictory allegations and hence, they are not unsustainable. The first



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defendant is at liberty to do anything in her own property. Hence, the defendants pray to dismiss the suit.

7. The crux of the written statement filed by the fourth defendant, is as under:

(i) The suit is false. The fourth defendant is no way connected with the suit in O.S.No.157 of 1996 filed before the Sub-Court, Cuddalore, and it will not bind the fourth defendant. The sale deed, dated 15.11.1999 is neither true, nor valid.

(ii) The suit A-schedule property is in Survey No.1249 and it is East of T.S.No.1236, but not East of South Kallarai Street and the same is nor opposite to the plaintiff's B-schedule property in the Street, as stated by the plaintiff. The description of the suit property is false and wrong, besides, the same is misleading. The location of the A, B and C-schedule properties are shown in Town Survey sketch and records and not as stated by the plaintiff. The plaintiff is residing in B-schedule property and the C-schedule property is a public road, which ends before A-schedule property.

(iii) The suit is filed on the wrong notion stating that the Street extends up to the Northern boundary of T.S.No.1236. Any construction by the other defendants in Town S.No.1236, was stopped by the plaintiff, which is not the concern of the



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fourth respondent and he is not responsible for the same. The construction by the other defendants, does not fall in C-schedule property as stated in the plaint.

(iv) Hence, the question of encroachment will not arise. The fourth defendant is unnecessarily impleaded as a party to the present suit and he cannot be made as a party for any dispute between the plaintiff and defendants 1 to 3. The plaintiff misguided the Court without seeing the Town Survey records. The basis for filing the suit is the misunderstanding that had existed between the family members of the plaintiff and defendants 1 to 3 and the fourth defendant prayed to dismiss the suit.

8. The counter-claim of the defendants 1 and 3, adopted by the second defendant, is as follows:

(a) The suit A-schedule property was purchased by one K.M.Subramania Chettiar in a Court auction held on 02.03.1994. The sale certificate issued to him is also filed. He has been in possession and enjoyment of the A-schedule property and he had sold the same in favour of one Venkatachalam Pillai by way of registered sale deed, dated 04.11.1954. Since the date of purchase, the said Venkatachalam Pillai had been in possession and enjoyment of the suit A-schedule property. He had borrowed a loan from Indian Overseas Bank, Cuddalore O.T., by mortgaging the suit A-schedule property along with his



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properties. The said Venkatachalam Pillai has been in possession and enjoyment of the suit A-schedule property till his death. After his death, his wife and sons had been in possession and enjoyment of the property and sold the same in favour of one Rajeswari Ammal by way of registered sale deed, dated 08.08.1990. Since the date of purchase, Rajeswari Ammal had been in possession and enjoyment of the suit A-schedule property and she sold the same in favour of the first defendant by a registered sale deed, dated 05.06.1996. From that date onwards, the first defendant had been in possession and enjoyment of the suit A-schedule property. There was trivial error in the sale deed and hence, rectification was got executed by the said Rajeswari Ammal in favour of the first defendant.

(b) Further, even though the total extent is mentioned as 1344 Sq.Ft., the actual ground measurement is only 1176 Sq.Ft., which is in consonance with the Municipal plan also. The first defendant has been paying Municipal tax in Assessment No.2668 for A-schedule property. The first defendant had also applied for building approval and also for approved plan. The Patta for the same was also transferred in the name of the first defendant. The first defendant and the predecessor-in-title have been in possession and enjoyment of the suit-A schedule property for nearly 50 years without any interruption. Moreover, the first defendant has also prescribed title by adverse possession. The first



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defendant and predecessor-in-title have been in open and continuous possession and enjoyed the suit A-schedule property and the first defendant has also put up a fence on the Western side of the suit A-schedule property and also covering a portion of T.S.No.1236 and gate was also put up on the South-Western corner to prevent the persons in the vicinity from entering into the suit property. The plaintiff earlier wanted to purchase the suit A-schedule property, but the first defendant refused to part with the same.

(c) As far as the suit C-schedule property is concerned, the second defendant had purchased the same from one Ganapathy and others, by way of registered sale deed, dated 23.09.1961. Since then, the second defendant had been in possession and enjoyment. Further, C-schedule property is a portion of total extent of 1442 Sq.Ft. in T.S.No.1236, which was purchased by the second defendant.

(d) The second defendant had executed a registered settlement deed, dated 06.09.1998 in favour of the first defendant. The settlement deed was duly executed validly attested, accepted and acted upon. The settlement deed is true and valid in respect of the square feet therein and the suit C-schedule property.

(e) In pursuance of the settlement deed, the first defendant took possession and she had been in enjoyment of the suit property. The original sale deed and settlement deed are deposited in the Housing Society for obtaining a



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loan. Hence, the first defendant is entitled to C-schedule property also. The plaintiff has no right in A and C-schedule properties. Only the first defendant and her predecessor-in-title have been in open, continuous, uninterrupted and hostile possession and enjoyment of the suit C-schedule property for more than the statutory period and he has also prescribed title by adverse possession. Hence, the counter-claim has been filed to declare that the first defendant's title to the suit A and C schedule properties and for permanent injunction. Hence, the suit may be dismissed by allowing the counter-claim.

9. The averments of the Reply statement filed by the plaintiff to the counter-claim, in a nut-shell, are as follows:

(a) The counter-claim filed by the defendants is not maintainable in law and also on facts and the same is liable to be dismissed. The suit A and B-schedule properties are ancestral properties of the plaintiff, who is in possession of the same. The physical features mentioned in the plaint, are correct and there is a cattle-shed, which is found to be in existence by the learned Advocate Commissioner. The learned Advocate Commissioner's report and plan fully support the plaintiff's claim. C-schedule property is a public lane and there is inherent right on every person, who has the right to use the lane.



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(b) The defendant or the Municipality or anybody-else cannot obstruct the usage of the lane. The very fact that the nature of the property as a lane is denied, goes to show that there is obstruction to the usage, leading to cause of action for filing the present suit. The averment in the counter-claim that the predecessor of the 1st defendant he purchased the 'A' schedule property in Court Auction and that he took delivery and that he was in enjoyment, are all false. It is also not true to allege that the property was that of Venkatachalam Pillai and he was in possession. The loan transaction details between the Indian Overseas Bank and the first defendant, are incorrect. The further sale by the said Rajeswari Ammal to the first defendant, is not true. The sale was mechanical, without any consideration thereto. None of the documents conveyed any title on the defendants.

(c) The averment regarding the mistaken extent on the alleged rectification deed, are also consequential and will not confer any right. The transfer of Patta or Municipal assessment, will not give plaintiff any right. It is not necessary for the plaintiff to purchase his own property. There are abundant documents to show that the plaintiff and his family members are in possession and enjoyment of the suit A-schedule property. The plaintiff also disputed the validity of the sale deed in respect of the C-schedule property. It is a public lane and is not only borne by the records, but also by the learned Advocate



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Commissioner's report and plan. In any event, the plaintiff has prescribed right of easement of necessity and by prescription, which cannot be denied. The plaintiff has not sought to relief with regard to A and B schedule properties. Hence, the defendants cannot make a counter-claim in respect of A or C schedule property. The value of A-schedule property is much more with an extent of 1340 Sq.Ft. in the Municipal limits.

(d) The counter-claim is defective and the maintainability of the counter-claim may be taken as a preliminary issue. The fourth defendant in the suit allege that the C-schedule property is a public lane. Hence, the fourth defendant is also a necessary party in the counter-claim and in its absence, the counter-claim is bad for non-joinder of necessary parties and thus, it is prayed that the counter-claim may be dismissed and suit be decreed.

10. Based on the above pleadings, after hearing both sides, and on a perusal of the records, the trial Court has framed the following issues for consideration :

(i) Whether the suit properties are ancestral properties of the plaintiff's family ?

(ii) Whether the compromise decree in O.S.No.157 of 1996 binds the defendants ?

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(iii) Whether the sale deed dated 15.11.1999 in favour of the plaintiff in respect of the A-schedule property is true and valid in law ?

(iv) Whether the plaintiff has right of easement over 'C' schedule property ?

(v) Whether A-schedule property was purchased by K.M.Subramania Chettiar in the Court Action on 02.03.1994 ?

(vi) Whether the claim in the counter claim relating to the subsequent alienations in favour of Venkatachalam Pillai, Rajeswari Ammal and the first defendant by the sale deeds, dated 04.11.1954, 08.08.1990 and 05.06.1996 respectively, are true and valid ?

(vii) Whether the first defendant and her predecessor-in-title has prescribed title by adverse possession ?

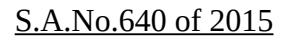
(viii) Whether the C-schedule property is the absolute property of the first defendant ?

(ix) Whether the plaintiff is entitled to the reliefs in the plaint ?

(x) Whether the first defendant is entitled to the reliefs in counter-claim ? and

(xi) To what relief the parties are entitled to ?

11. Before the trial Court, on the side of the plaintiff, P.Ws.1 to 5 were examined and Exs.A-1 to A-12 were marked. On the side of the defendants, D.Ws.1 and 3 were examined and Exs.B-1 to B-25 were marked. Ex.C-1 is the



learned Advocate Commissioner's report and Ex.C-2 is the Advocate
Commissioner's plan.

12. After evaluating the oral and documentary evidence adduced on both sides, the trial Court has decreed the suit in respect of C-schedule property (lane as a pathway) and restrained the parties by means of permanent injunction from interfering with the plaintiff's right to use the C-schedule property and directed the fourth defendant to maintain the suit-C schedule property as a public pathway. Further, the counter-claim was partly decreed by declaring the title of the first defendant to A-schedule property and the trial Court also granted permanent injunction from interfering with the possession and enjoyment of A-schedule property. Further, the counter-claim with respect to C-schedule property was dismissed by the trial Court.

13. As against the above judgment and decree of the trial Court, the plaintiff has preferred First Appeal in Appeal Suit No.11 of 2014 before the lower appellate Court, in which, the following points were framed:

- (i) Whether the counter-claim is maintainable, when the plaintiff has not claimed any relief regarding the suit A-schedule property ?
- (ii) Whether the finding of the trial Court that the defendants have proved their title to the suit A-schedule property and the decree in their favour, is valid ?



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(iii) Whether the defendants have properly valued the counter-claim and paid the Court fee ?

14. The lower appellate Court, after analysing the evidence adduced by both sides, dismissed the First Appeal, confirming the judgment and decree of the trial Court, against which, the plaintiff has preferred the present Second Appeal before this Court.

15. This Court, while admitting the Second Appeal on 04.11.2020, had framed the following substantial questions of law:

(i) Whether the Courts below are right in entertaining the counter claim by which the defendants claimed title to A and C-schedule property, when the main suit itself confined only to C-schedule property ? and

(ii) Whether the Courts below are right in concluding that the sale certificate, namely Ex.B-2 would confer valid title over the A-schedule property to the defendants ?

16. Learned counsel for the appellant/plaintiff submitted that the plaintiff filed the suit in O.S.No.263 of 2000 on the file of the Additional District Munsif Court, Cuddalore for the relief of declaration to declare the rights of the plaintiff

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to use C-schedule property and also for permanent injunction and alternatively, to declare the plaintiff's easementary right and to grant permanent injunction.

The suit C-schedule property is the common pathway to reach A and B-schedule properties. A-schedule property was purchased by the plaintiff through sale deed, dated 15.11.1999 and he has been in possession and enjoyment of the property. The suit B-schedule property is also under the possession and enjoyment of the defendants. Originally, it belonged to plaintiff and his brothers' Gunasekaran and Kannan by way of the compromise decree arrived in O.S.No.157 of 1996 on the file of the Sub-Court, Cuddalore against the plaintiff and his children for partition and separate possession and the C-schedule property is only the pathway to reach A and B schedule properties and therefore, he filed the present suit.

16.1.. The defendants denied the title of the plaintiff and according to them, the first defendant purchased the property and she has been in possession and enjoyment of the same. Further, the defendants have filed counter-claim in the suit. The trial Court decreed the suit in respect of C-schedule property by declaring that the same is a "common pathway" and granted permanent injunction. Simultaneously, the counter-claim was allowed in respect of A-schedule property. The trial Court decreed the counter-claim by declaring

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that A-schedule property belongs to the first defendant and dismissed the counter-claim in respect of C-schedule property. The first appellate Court also failed to appreciate the facts in proper perspective and erroneously confirmed the judgment and decree of the trial Court by dismissing the First Appeal (Appeal Suit) filed against the counter-claim and ought not to have declared the rights of the first defendant in the counter-claim in respect of A-schedule property and erroneously decreed the counter-claim therein. Further, the Courts below failed to consider the compromise decree in O.S.No.157 of 1996 on the file of the Sub-Court, Cuddalore. The Courts below also failed to consider that the defendants are not in possession and enjoyment of the property and the defendants failed to prove the title in respect of the A-schedule property. Therefore, the Courts below have committed error by not considering the same including the report of the learned Advocate Commissioner, and therefore, the Second Appeal may be allowed by setting aside the concurrent findings of the Courts below.

17. Though the notice had been served on all the four respondents including the Commissioner of Cuddalore Municipality, there is no representation for them, despite ample opportunities having been given to them and they did not also appear and hence, this Court is inclined to pass orders based on the



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available evidence/records and also considering the arguments advanced by the learned counsel for the plaintiff.

18. The plaintiff filed the suit in respect of C-schedule property, which is common pathway to reach A and B schedule properties. A and B schedule properties belong to the plaintiff. He purchased A-schedule property through sale deed, dated 15.11.1999 from his brother Kannan. B-schedule properties belonged to Gunasekaran. In fact, according to the plaintiff, they have filed the said suit in O.S.No.157 of 1996, in which, a compromise decree was passed, based on which, A-schedule property was allotted to Kannan and B-schedule property was allotted to the said Gunasekaran. Thereafter, the plaintiff purchased the property from the said Kannan through sale deed, dated 15.11.1999 in respect of A-schedule property, and that B-schedule property was allotted in favour of Gunasekaran and the plaintiff is residing along with his brother Kannan.

19. The defendants have filed written statement denying the title of A-schedule property. According to the first defendant, A-schedule property was purchased by him through sale deed, dated 05.06.1996. Originally, A-schedule property belonged to the said K.M.Subramania Chettiar and he derived the property through Court Auction held on 02.03.1994 and thereafter, he sold the



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property to Venkatachalam Pillai through registered deed, dated 04.11.1954 and the said Venkatachalam Pillai sold the property to Rajeswari Ammal by sale deed, dated 08.08.1990 and thereafter, she sold the property in favour of the first defendant by way of registered sale deed, dated 05.06.1996. Therefore, he has been in possession and enjoyment of the property pursuant to the above said sale deed.

20. Further, C-schedule property is purchased by the second defendant through the sale dated 23.09.1961 and thereafter, he executed a registered settlement deed in favour of the first defendant on 06.09.1998. As such, the suit A and B schedule properties belong to the second defendant. The second defendant has filed counter-claim for declaration in respect of A and C-schedule properties. The trial Court decreed the suit in respect of C-schedule property by declaring that C-schedule is the common pathway and also decreed the counter-claim in respect of A-schedule property and dismissed the counter-claim in respect of C-schedule property.

21. The plaintiff in the main suit, is satisfied with the judgment and decree of the trial Court, he only preferred appeal as against the counter-claim for declaration of A-schedule property in his favour and the defendants who have



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filed counter-claim, have not preferred any appeal as against the dismissal of the relief in respect of C-schedule property by the trial Court.

22. The trial Court, after elaborate discussion and after perusing the records, decided that the first and second defendants and their predecessors-in-title, were having possession and the title of A-schedule property and also paid the property tax to A-schedule property and they are in possession and enjoyment of the property.

23. As far as the plaintiff's claim in respect of A-schedule property is concerned, he has not filed any suit for declaration and he filed the suit only in respect of C-schedule property, claiming that it is the "pathway" to reach A and B-schedule properties. The trial Court dismissed the suit in respect of C-schedule property with regard to the relief of permanent injunction and declaration. Aggrieved by the judgment and decree in respect of A-schedule property in the counter-claim, the plaintiff has preferred First Appeal, which was elaborately considered by the first appellate Court based on the oral and documentary evidence adduced on both sides. The plaintiff has not filed any document in respect of A-schedule property to prove the title of his predecessor. The suit herein is filed mainly in respect of C-schedule property, which is the access to



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reach A and B-schedule properties, and therefore, the Courts below have gone into the merits of the claim made by the plaintiff. The plaintiff conveniently omitted to pray any relief of declaration in respect of the A-schedule property. When there is dispute between the plaintiff and the defendants regarding the A-schedule property, the plaintiff also ought to have sought for declaration in respect of A-schedule property and therefore, the first appellate Court declined to interfere with the findings of the trial Court in respect of declaration of A-schedule property through counter-claim.

24. The above said findings of the lower appellate Court are based only on records and the plaintiff has failed to file any suit for declaration in respect of A-schedule property, whereas, when the defendants denied title of the property in respect of A-schedule property, it is the duty of the plaintiff to seek the relief of declaration, but he failed to seek the declaratory relief and therefore, the Courts below have correctly appreciated the facts and rendered concurrent findings correctly. The concurrent findings of the Courts below need not be interfered with, without any valid grounds.

25. As far as substantial question of law (i), namely "whether the Courts below are right in entertaining the counter-claim by which the defendants



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claimed title to A and C-schedule property, when the main suit itself is confined only to "C-schedule property", is concerned, it is seen that the plaintiff has filed the suit for declaration in respect of C-schedule property alone, which is only the access to A and B-schedule properties. In the said suit, the defendants have filed counter-claim to declare A and C-schedule properties in their favour, which exclusively belongs to them. Since the plaintiff claimed the 'C' schedule property as access to the A and B schedule properties the first defendant had filed counter-claim in respect of A and C-schedule properties. As far as the counter-claim is concerned, the defendants need not restrict the same only in respect of the suit property and they can claim any relief in respect of the dispute between the plaintiff and the defendants, even for the properties which are not subject matter in the present suit. However, in this case, the plaintiff had filed the suit for declaration in respect of C-schedule property, claiming that it is only the access to reach A and B-schedule properties, and therefore, the counter-claim filed by the first defendant in respect of A and C schedule properties, is legally maintainable and the Courts below are right in entertaining the counter-claim by which the defendants claim title in respect of the A and C- schedule properties, when the main suit is only confined to C-schedule property. The first substantial question of law is answered accordingly.

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26. As far as the substantial question of law (ii), namely, “whether the Courts below are right in concluding that the sale certificate, namely Ex.B-2 would confer valid title over the A-schedule property to the defendants”, is concerned, it is to be noted that the Courts below have relied upon Ex.B-2 sale certificate, dated 15.03.1954 issued in favour of K.M.Subramania Chettiar and thereafter he sold the property on 15.03.1954 and thereafter, the said K.M.Subramania Chettiar sold the property to Venkatachalam Pillai by way of registered sale deed, dated 04.11.1954 and thereafter, the said property was sold to Rajeswari Ammal through sale deed, dated 08.08.1990. Further, the first defendant purchased the property through sale deed dated 05.06.1996 from the said Rajeswari Ammal.

27. Since the property was sold to various persons in pursuance of the sale certificate, without challenging the subsequent sale deeds, the plaintiff cannot question Ex.B-2 alone being the certified copy of Court Certificate in E.P.No.1068 of 1952 in O.S.No.270 of 1948 on the file of the District Munsif Court, Cuddalore. The Courts below have relied upon Ex.B.4, dated 04.11.1954 being the registration copy of Ex.B-3 being the original registered sale deed executed by the said K.M.Subramania Chettiar in favour of the said Venkatachalam Pillai and also the sale deed in favour of the said Rajeswari



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Ammal, dated 08.08.1990 (being Ex.B-6 – original registered sale deed executed by one Thayar Ammal and 3 others in favour of one Rajeswari Ammal). Further, Ex.B-7 dated 05.06.1996 is the original registered sale deed executed by one Rajeswari Ammal in favour of Thirumagal Muruganantham (being the first defendant). Moreover, the first defendant has also produced 'kist' receipts in Exs.B-9 to 13 and house tax receipts in Exs.B-19 to 21 and this Court finds that the Courts below have not declared the title only based on Ex.B-2 Court Certificate and they have relied upon the other related documents also. Thus the substantial question of law is answered.

28. Thus, this Court is of the considered view that the Courts below have analysed the evidence and passed reasoned judgments, and thereby, this Court need not interfere with the concurrent findings of both the Courts below.

29. In such view of the matter, the Second Appeal is dismissed. There shall be no order as to costs. Consequently, the Miscellaneous Petition is closed.

27.02.2026

Index: Yes/no
Speaking Order: Yes/no
Neutral Case Citation: Yes/no
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1. The Additional Subordinate Judge, Cuddalore.
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3. The Commissioner, Cuddalore Municipality, Cuddalore.

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