



WEB COPY

S.A.No.326 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

S.A.No. 326 of 2026
and C.M.P.Nos.10916 and 10928 of 2026

1. Suseela @ Suseelamma,
W/o Thimmarayappa,
residing at Milath Nagar,
Basthi Village,
Avalapalli Road,
Hosur Town,
Krishnagiri District.

2. Pavithra,
D/o Thimmarayappa,
residing at Milath Nagar,
Basthi Village,
Avalapalli Road,
Hosur Town,
Krishnagiri District.

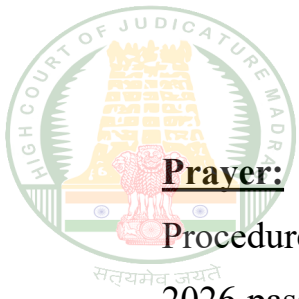
..Appellants/
Appellants/Plaintiffs

Vs

1. Bandiyappa,
S/o Nanjappa,
residing at Belagondapalli Village and Post,
Denkanikottai Taluk,
Krishnagiri District.

2. Basappa,
S/o.Nanjappa,
Rest.at Belagondapalli Village and Post,
Denkanikottai Taluk,
Krishnagiri District.

..Respondents/
Respondents/Defendants



Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated 06-02-2026 passed in A.S.No.1 of 2025 on the file of the Court of Subordinate Judge, Denkanikottai, Krishnagiri, confirming the Judgement and Decree dated 28-10-2024 in O.S.No.48 of 2011 on the file of the Court of Additional District Munsif, Denkanikottai, Krishnagiri.

For Appellant(s) : Mr.C.Parthiban

JUDGMENT

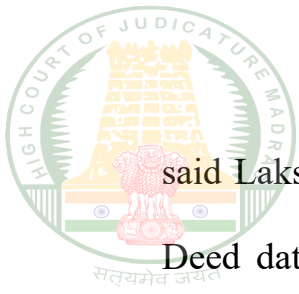
The plaintiffs are the appellants. The suit is filed for declaration of title and for recovery of possession. The suit was dismissed by the Trial Court and the findings of the Trial Court were confirmed by the First Appellate Court. Aggrieved by the concurrent findings, the plaintiffs have come forward with this Second Appeal.

2.According to the plaintiffs, the suit property originally belonged to one Marappa. After his death, there was a partition among his sons on 17.02.1994. In the said partition, the suit property with an extent of 0.80 cents was allotted to the share of his son Narayanappa. The said Narayanappa converted the property allotted to him into house sites and sold the plots to various parties. On 18.01.1995, the 1st plaintiff purchased the suit property with an extent of 1742 sq.ft. in Sy.No.156/B6A1 (Sub-division No.156/A1) from the said Narayanappa. After purchase, the revenue documents and patta have been mutated in the name of the plaintiffs in the new sub-division number. Later, a



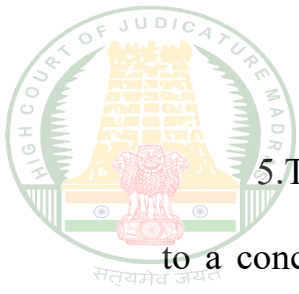
Gift Deed was executed in favour of the 2nd plaintiff. It is further pleaded by the plaintiffs that the plaintiffs had constructed a R.C.C. molded house with two portions in the suit property. The defendants were inducted as tenants in the suit property on a monthly rent of Rs.2,000/- to each portions and the defendants paid a sum of Rs.10,000/- towards advance. Thereafter, they committed default and the plaintiff convened a panchayat for surrendering the possession of the suit property by the defendants but, the defendants have not agreed for amicable settlement. Hence, notice was issued to the defendants 1 and 2 and the same was returned. In these circumstances, the suit was filed for declaration of title and for recovery of possession.

3.The defendants filed their Written Statement denying the description of the suit property in the Plaint. The extent and the boundaries mentioned in the suit schedule have been specifically denied by the defendants. It was further stated that the descriptions found in the Plaint schedule were not sufficient to identify the suit property. The allegations made in the Plaint was specifically denied by the defendants and it was also stated that the plaintiffs had grossly undervalued the suit schedule property. It was the further case of the defendants that the plaintiffs purchased the suit property from one Narayanappa and the said Narayanappa converted the suit property into house plots and sold an extent of 1309 sq.ft. in Sy.No.156/B6 of Belagondapalli Taraff in favour of one Lakshmaiah under a registered Sale Deed dated 28.03.1994. Subsequently, the



said Lakshmaiah sold the suit property to the 1st defendant's wife under a Sale Deed dated 07.10.2004. It was also pleaded that the Sale Deed executed in favour of the defendants was anterior in time. Therefore, According to the defendants, the plaintiff cannot claim any title over the suit property based on the subsequent Sale Deed. It was also stated that the wife of the 1st defendant, namely Jayamma, after purchase, put up a construction in the suit property and obtained electricity service connection in her name and she is paying house tax and water tax for the house. Thereafter, the said Jayamma in turn had executed a Lease Deed in favour of the 2nd defendant on 15.04.2011 for a period of three years. The allegations in the Plaint as if the suit property was leased out to the defendants was specifically denied. It was also stated that the plaintiffs by making false and fraudulent representation had obtained patta and the same is not a document of title. Hence, the defendants sought for dismissal of the suit.

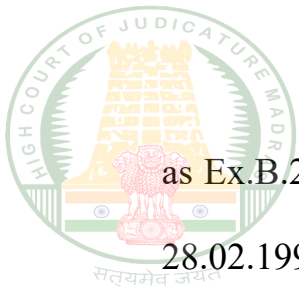
4.Before the Trial Court, the 1st plaintiff examined herself as PW1 and three other witnesses were examined. Ex.A.1 to Ex.A.14 and Ex.X1 to Ex.X.4 have been marked on the side of the plaintiffs. On the side of the defendants, the 1st defendant was examined as DW1 and the vendor of the 1st defendant's wife was examined as DW2 and one Madhesh was examined as DW3. Ex.B.1 to Ex.B.6 and Ex.Y.1-FMB Sketch in Sy.No.156 have been marked on the side of the defendants.



5.The Trial Court on the basis of the oral and documentary evidence came to a conclusion that the plaintiffs established their title over the suit property and dismissed the Original Suit filed by the plaintiffs. Aggrieved over the same, the plaintiffs preferred an appeal in A.S.No.1 of 2025 before the learned Subordinate Judge, Denkanikottai, Krishnagiri. On appeal, the First Appellate Court confirmed the findings rendered by the Trial Court and dismissed the Appeal Suit. Challenging the concurrent findings of the Courts below, the plaintiffs have filed this Second Appeal.

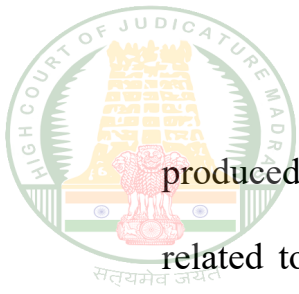
6.The learned counsel appearing for the appellants/plaintiffs submitted that the plaintiffs have established their title over the suit property by producing title documents and revenue records have been mutated in their names. It is the case of the plaintiffs that they purchased 1742 sq.ft. in Sy.No.156/B6 under Ex.A.2 - Sale Deed dated 18.01.1995 in favour of the 1st plaintiff.

7.On the other hand, it is the case of the defendants that the wife of the 1st defendant purchased 1399 sq.ft of lands in the said Survey Number. According to the defendants, the vendor of the 1st defendant's wife purchased the suit property on 28.03.1994 and the 1st defendant's wife purchased the property from her vendor on 07.10.2004. The Sale Deed in favour of the vendor of the 1st defendant dated 28.03.1994 has been marked as Ex.B.1. The Sale Deed in favour of the 1st defendant's wife Jayamma dated 07.10.2004 has been marked



as Ex.B.2. Therefore, it is clear that the defendants purchased the property on 28.02.1994, prior to the purchase of the property by the 1st plaintiff on 18.01.995 and the title deeds of the defendant's vendor is anterior in time.

8.Both the plaintiffs and the defendants have purchased the land in the same Survey Number. It is incumbent on the plaintiffs to prove that property purchased by them under Ex.A.2 is the suit property by identifying the same. The plaintiffs have not taken any steps to survey the suit property with reference to the title deeds of the plaintiffs and the defendants through a qualified surveyor. When both the defendants and the plaintiffs have purchased certain extent of lands in the same Survey Number, the suit property shall be identified by proper survey. The plaintiffs have failed to take any step to identify the properties. It is pertinent to note that in Para 4 of the Written Statement, the identification of the suit property has been disputed by the defendants. It is to be noted that the extent and the boundaries mentioned in the suit schedule have been specifically denied by the defendants in the Written Statement. It was also pointed out by the Trial Court that the 1st plaintiff who was examined as PW1 and in her evidence admitted that she did not know the door number and the electric service connection number of the suit property. She also deposed that she did not get the electricity service connection and water connection for the suit property. She also admitted that the electricity service connection in the suit property was stood in the name of Jayamma, 1st defendant's wife. On the side of the defendants, house tax receipts and eletricity charges receipts were



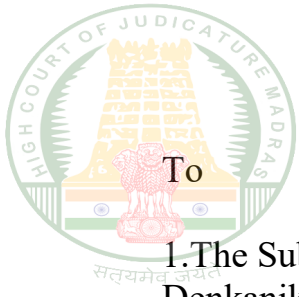
produced as Ex.B.3 to Ex.B.6. It is also pointed out that the said documents are related to the suit survey number and the house tax of the suit property was assessed in the name of the defendant's wife Jayamma.

9.In the Pleint, it was stated that the defendants were inducted as tenants in the suit property. However, the said plea has not been established by any evidence. PW1 also during her cross examination pleaded ignorance of details of the Door number of the house and the electricity service connection number, etc., Taking into consideration all these aspects, the Trial Court as well as the First Appellate Court came to a conclusion that the plaintiffs failed to establish title over the suit property. Hence, I do not find anything to interfere with the finding of facts by the Courts below.

10.In these circumstances, I find no ground much less any substantial question of law to interfere with the concurrent findings of the Courts below. The Second Appeal is liable to be dismissed and accordingly, the same is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08-06-2026

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



To

1.The Subordinate Judge,
Denkanikottai,
Krishnagiri.

2.The Additional District Munsif,
Denkanikottai,
Krishnagiri.

3.The Section Officer,
V.R. Section,
Madras High Court.



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S.SOUNTHAR J.

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