



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 805 of 2016

and CMP.Nos.5736 of 2025 and 15184 of 2016

1.A.P. Subramani

S/o. Perumal, Ayaneri Colony, Veeranathur Po,
Pallipattu Tk, Tiruvallur Dt.

2.Sanjeevi

S/o. Perumal, Ayaneri Colony, Veeranathur Post,
Pallipattu Taluk, Tiruvallur District.

3.Nagarathinam

S/o. Velu, Ayaneri Colony, Veeranathur Post,
Pallipattu Taluk, Tiruvallur District.

..Appellant(s)

Vs

P. Palani

S/o. Perumal, Ayaneri Colony, Veeranathur Post,
Pallipattu Taluk, Tiruvallur District.

..Respondent(s)

PRAYER: Second Appeal filed under section 100 of Civil Procedure Code,,
praying to to set aside the judgement and decree dated 07.08.2015, made in
A.s.No.34 of 2014, on the file of Sub Court, Tiruttani, in reversing the well
considered judgment and decree dated 19.08.2014, made in O.S.No.88 of 2013,
on the file of District Munsif Court, Pallipattu.

For Appellant(s):

MR.A.GOUTHAMAN

For Respondent(s):

MR.PALANISWAMY



JUDGMENT

The appellants have preferred the present Second Appeal challenging the judgment dated 07.08.2015 made in A.S. No. 34 of 2014 on the file of the Sub Court, Tiruttani, whereby the well-considered judgment and decree dated 19.08.2014 passed in O.S. No. 88 of 2013 on the file of the District Munsif Court, Pallipattu, came to be reversed.

2. It is stated that the appellants/plaintiffs had filed a suit for declaration before the trial Court. The defendants were set ex parte. Based on the available materials, the trial Court dismissed the suit. Aggrieved by the same, the appellants preferred a first appeal, which was allowed, and a decree of injunction was granted. Challenging the same, the present Second Appeal has been filed.

3. On perusal of the records, it is seen that the trial Court did not frame any issues and proceeded to dismiss the suit. Likewise, the first appellate Court also failed to frame proper points for consideration. The first appellate Court, relying upon Ex.A1, held that the plaintiff had proved title to the property. However, it was also observed that Ex.A1, said to have been executed by Pramila, would be invalid, and therefore, the plaintiff could not claim title under the same. Such contradictory findings have been rendered without framing proper issues.



4. Thus, both the Courts below have failed to frame necessary issues/points for consideration and have not properly adjudicated the matter.

Therefore, the judgments and decrees of both the trial Court and the first appellate Court are liable to be set aside. Since the question of title is seriously disputed, the matter requires a full-fledged trial with proper framing of issues and appreciation of evidence.

5. Accordingly, the judgments and decrees of both the Courts below are set aside, and the matter is remanded to the trial Court for fresh consideration. The trial Court is directed to permit the defendants to file their written statement, frame appropriate issues, and thereafter dispose of the suit on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. In the result, the present Second Appeal is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

15-04-2026

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



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T.V.THAMILSELVI, J.

MPA

MPA

To

1. Sub Court, Tiruttani.
2. District Munsif Court, Pallipattu.
3. The Section Officer, V.R.Section, High Court, Madras.

**SA No. 805 of 2016
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