



WEB COPY

SA No. 1114 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 1114 of 2021

1. Natarajan

2.Santhini

3.Saranya

4.Abinaya

Appellant(s)

Vs

Selvi

Respondent(s)

PRAYER

To set aside the Judgment and Decree dated 06-01-2021 made in AS 17 of 2019 on the file of the Special Subordinate Judge, No.1 Jayankondam, (AS No.01 of 2019, on the file of the Sub Judge, Jayankondam) confirming the judgment and Decree dated 31-10-2018 made in OS No.148 of 2010 on the file of the District Munsif Court, at Jayankondam.

For Appellant(s): Ms.M.Senthil Vadivu

For Respondent(s): Mr P.Sesubalan Raja

JUDGMENT

Challenging the concurrent findings of the Court below, the defendants have preferred this appeal.



2. Before the Trial Court, the respondent/plaintiff filed a suit in OS.No.148 of 2010 for the relief of declaration of title and recovery of possession against defendants. Originally, the suit was filed against the first defendant, Sundaramurthy, who is the brother of the plaintiff. During the pendency of the suit, the first defendant died and his legal heirs were impleaded as defendants.

3. According to the plaintiff, her mother Thangammal was the original owner of the suit property by virtue of a sale deed dated 19.05.1959. Out of love and affection, she executed a settlement deed dated 10.01.2005 in favour of the plaintiff in respect of the suit property. Based on that, she become absolute owner of the property. While so, the first defendant falsely claimed right over the suit property and without any valid authority, executed a gift deed in favour of his wife. The first defendant contested the suit contending that on 03.02.2004, the plaintiff's mother had relinquished her rights in the suit property in his favour for a consideration of Rs.45,000/-. Therefore, the first defendant claimed absolute right based on the alleged release deed said to be executed by his mother.

4. Both the parties contested the suit before the Trial Court. The plaintiff produced the title deed, which was earmarked as Ex. A1. Apart from the same, the plaintiff also contended that during her lifetime, her mother executed a



settlement deed dated 31.08.2004, settling the eastern portion of the property to the first defendant, which was marked as Ex.A6. On the basis of the pleadings, the Trial Court framed the necessary issues and upon consideration of the oral and documentary evidence adduced on both sides, concluded that the plaintiff is the absolute owner of the property. Accordingly, the suit was decreed as prayed for. The Trial Court did not accept the claim of the first defendant based on the alleged released deed, since the said release deed was neither produced before the Court nor registered.

5. Aggrieved by the findings of the Trial Court, the defendants preferred an appeal in A.S.No.17 of 2019. The First Appellate Court independently analysed the entire facts, framed separate points for consideration, and on independent appreciation of the evidence, concurred with the findings of the Trial Court. The First Appellate Court held that the plaintiff had proved his right and title to the suit property and that the alleged release deed dated 03.02.2004 relied upon by the defendants, was not only unregistered, but also not produced before the Court. Ultimately, the First Appellate Court held that as per Ex.A1, the plaintiff is the absolute owner of the property and she is entitled for recovery of possession. Accordingly, three months time was granted to the defendants to vacate the premises. Challenging the concurrent findings, the present appeal has been filed.



6. Though the learned counsel for the appellants contended that the Court below failed to consider the release deed relied upon by the defendants, the said document was neither produced before the Trial Court nor registered, and therefore, Rights cannot be claimed or conveyed on the basis of an unregistered release deed. Further, it is an admitted fact that the plaintiff's mother had executed a settlement deed in respect of the eastern portion of the property to the first defendant under Ex.A6 and the same was sold to the third party by the first defendant during his lifetime. Having so alienated the property settled in his favour, the first defendant cannot falsely claim any right over the remaining suit property, which admittedly belongs to the plaintiff/respondent

7. In view of the concurrent findings of the fact recorded by the Courts below, this Court finds that no substantial question of law arises for consideration in the present appeal. The plaintiff has duly proved his title and entitlement to recovery of possession. Accordingly, the appeal is dismissed. The appellants are granted five months time to vacate and hand over vacant possession of the suit property to the respondent. No costs.

23-01-2026

pvs

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



SA No. 1114 of 2021



To

1. The Special Subordinate Judge, No.1 Jayankondam
2. The District Munsif, at Jayankondam



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T.V.THAMILSELVI J.
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