



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

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CORAM:

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

**S.A.Nos.597 & 838 of 2025
and C.M.P.Nos.20602 & 32295 of 2025**

C.N.Arumugam
S/o. Neelakandan, Pudur Village, Somasipadi
Madura, Tiruvannamalai Taluk.

...Appellant in both S.As

Vs.

Ganesan (Died)

- 1.Mrs.Alamelu
W/o. Late. Ganesan,
No.104, Rajaveethi Aranji Village,
Somasipadi Post, Kilpennathur Taluk,
Tiruvannamalai District.
- 2.Mrs.Kalpana
W/o. Elumalai,
Aranji Road, Somasipadi Pudur Village,
Somasipadi Post,
Kilpennathur Taluk,
Tiruvannamalai District.
- 3.Mrs.Sumathi
W/o. late. Kumar,
No.26, Pudukudiyan Saththiram,
Thottapalayam, Vellore – 632 004.
- 4.Sneha
D/o. late. Kumar,
No.26, Pudukudiyan Saththiram,
Thottapalayam, Vellore-632 004.

...Respondents 1 to 4 in both S.As



5.The President,
Somasipadi Village,
Kilpennathur Taluk, Tiruvannamalai.

...5th Respondent in S.A.No.838 of 2025

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Prayer in S.A.No.597 of 2025:

This Second Appeal is filed under Section 100 of C.P.C praying to set aside the Judgement and Decree dated 07.03.2025 made in AS No.47/2019 on the file of the Principal Subordinate Judge Tiruvannamalai District and confirming the Judgement and Decree 15.07.2019 made in OS No.276 of 2014 on the file of the Additional District Munsif Court, Tiruvannamalai.

Prayer in S.A.No.838 of 2025:

This Second Appeal is filed under Section 100 of C.P.C praying to set aside the Judgement and Decree dated 07.03.2025 made in AS No.48/2019 on the file of the Principal Subordinate Judge Tiruvannamalai District and confirming the Judgement and Decree 15.07.2019 made in OS No.242 of 2015 on the file of the Additional District Munsif Court, Tiruvannamalai.

For Appellant in both S.As : Mr.J.Nandagopal

For Respondents in both S.As : Mr.R.Rajarajan
for Mr.R.Prabhudoss

COMMON JUDGMENT

These Second Appeals have been filed by the Appellant praying to set aside the Judgement and Decree dated 07.03.2025 in A.S.Nos.47 & 48 of 2019 passed by the learned Principal Subordinate Judge, Tiruvannamalai, confirming the Judgement and Decree 15.07.2019 in O.S.Nos.276 of 2014 & 242 of 2015 passed by the learned Additional District Munsif Court, Tiruvannamalai.



2. The brief facts of the case are as follows:

Originally, the property comprised in Old Survey No.44/1 measuring an extent of 7 Acres situated at Somasipadi Village, Kilpennathur Taluk, Tiruvannamalai District was belonged to one Kattaya Gounder and his four sons viz., Varadharaj Gounder (father of the deceased Respondent Ganesan), Chinnappa Gounder (paternal grandfather of the Appellant), Dhanapal Gounder and Perumal Gounder. After the demise of said Kattaya Gounder, his four sons had orally partitioned the said property and they were in enjoyment of their individual share. Based on the said oral partition, Chinnappa Gounder and his five sons viz., Ranganathan, Neelakantan (father of the Appellant), Poongavanam, Radhakrishnan and Lakshmanan had partitioned the share which was allotted to Chinnappa Gounder vide Partition Deed dated 07.11.1984 under five schedules viz., A, B, C, D & E. The father of the Appellant was allotted the land mentioned in 'C' schedule.

3. While so, during the year 1986, Varadharaj Gounder (father of the deceased Respondent Ganesan) had sold the suit property and 20 cents of land situated on the northern side of suit property along with a well to Neelakantan (father of the Appellant) for a sum of Rs.90/-. Thereafter, Patta of the suit property was transferred in the name of Neelakantan (father of the Appellant).



4. After the demise of Neelakantan, Mrs.Mallika (mother of the Appellant) and her two sons viz., C.N.Arumugam (Appellant) & C.N.Sivakumar were in absolute possession and enjoyment of the suit property and the Patta of suit property was also transferred in the name of Mrs.Mallika (mother of the Appellant) under Patta No.486.

5. In the year 2014, Mrs.Mallika (mother of the Appellant) and her younger son viz., C.N.Sivakumar had executed a Gift Deed dated 11.07.2014 in favour of Appellant and handed over the possession of the properties mentioned in that Gift Deed to Appellant. The suit property is also one of the properties mentioned in the said Gift Deed. After the execution of said Gift Deed, Appellant had taken possession of the properties mentioned in the Gift Deed and he had exercised his right of ownership over the suit property.

6. In this background, the deceased Respondent Ganesan had preferred a complaint before the Land Grabbing Police Officer and thus, Appellant was summoned to be present for enquiry on 09.10.2014. The Appellant had also appeared for enquiry on the said date. Since the dispute between the Appellant and deceased Respondent Ganesan is civil in nature, the Land Grabbing Police Officials directed the deceased Respondent Ganesan to approach the Civil Court to work out his remedy. Thereafter, Appellant had filed a suit in O.S.No.276 of



2014 before the District Munsif Court, Tiruvannamalai for the relief of declaration and permanent injunction against the deceased Respondent Ganesan. During the pendency of said suit, the deceased Respondent Ganesan had filed a counter suit in O.S.No.242 of 2015 before the District Munsif Court, Tiruvannamalai for the relief of declaration and delivery of possession.

7. The deceased Respondent Ganesan had filed his written statement in O.S.No.276 of 2014 stating as follows:

(i) Varadharaj Gounder (father of the deceased Respondent Ganesan) was in possession of the suit property for all those years. After the demise of Varadharaj Gounder, deceased Respondent Ganesan had been in possession of the suit property.

(ii) Once, the deceased Respondent Ganesan had obtained a sum of Rs.15,000/- as loan from Neelakantan (father of the Appellant) and he had permitted the Appellant's father to enjoy his lands in lieu of interest on Rs.15,000/- and thus, Appellant's father enjoyed the lands of deceased Respondent Ganesan for 7 to 8 years.

8. On the other hand, the Appellant had filed his written statement in O.S.No.242 of 2015 denying the averments made by the deceased Respondent Ganesan in the Plaint.



9. On the basis of the pleadings of both the Appellant and deceased Respondent Ganesan, the Trial Court had framed the following issues in both the suits:

Issues framed in O.S.No.276 of 2014:

1. *Whether the plaintiff has title over the suit properties?*
2. *Whether it is true that the plaintiff's father Tr.Neelagandan has purchased the suit property orally for Rs.90/- from the Defendant's father Tr.Varadharajan?*
3. *Whether it is true that the defendant has borrowed a sum of Rs.15,000/- from the plaintiff's father Neelagandan?*
4. *Whether the plaintiff is in possession of the suit property only in lieu of interest of the above said loan of Rs.15,000/-?*
5. *Whether the plaintiff has prescribed title to the suit properties by way of Adverse possession?*
6. *Whether the plaintiff is entitled to get relief of declaration and permanent injunction as prayed for?*
7. *To what other reliefs, the plaintiff is entitled for?*

Issues framed in O.S.No.242 of 2015:

1. *Whether the plaintiff has title over the suit property?*
2. *Whether the 1st defendant is in permissive possession over the suit property for a hand loan of Rs.15,000/- as alleged by the plaintiff?*
3. *Whether it is true that the 1st defendant father purchased the suit property orally for Rs.90/- from plaintiff's father Varadharajan?*
4. *Whether the Defendant has prescribed title to the suit properties by way of Adverse possession?*
5. *Whether this suit is barred by limitation?*



6. *Whether this suit is bad for mis-joinder of party?*

7. *Whether the plaintiff is entitled the relief of declaration and recovery of possession?*

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10. During the course of trial, on the side of Plaintiff, Appellant examined himself as P.W.1 and 2 other witnesses were examined as P.W.2 & P.W.3 and 8 documents were marked as Ex.P1 to P8 and on the side of Defendant, deceased Respondent Ganesan examined himself as D.W.1 and 13 documents were examined as Ex.D1 to D13.

11. On appreciation of the oral and documentary evidence produced before it, the Trial Court vide Common Judgment and Decree dated 15.07.2019, dismissed the suit O.S.No.276 of 2014 filed by the Appellant and decreed the suit O.S.No.242 of 2015 filed by the deceased Respondent Ganesan by directing the Appellant to hand over the suit property to deceased Respondent Ganesan. Aggrieved over the common judgment passed by the Trial Court, Appellant had preferred two Appeal Suits in A.S.Nos.47 & 48 of 2019 before the Principal Subordinate Judge, Tiruvannamalai. However, the 1st Appellate Court vide Common Judgment dated 07.03.2025, dismissed the said Appeal Suits preferred by the Appellant. Hence, the Appellant has filed these Second Appeals before this Court.



12. As far as this case is concerned, the property right of Appellant was negatived by the Courts below. The Courts below have held that if immovable property of a value of more than Rs.100/- and such transfer shall be made either by a registered instrument but the subject property is claimed to be purchased for Rs.8,010/- which requires registration. Therefore, there is no question of law much less a substantial question of law arises in the present Second Appeals as already recorded by this Court in earlier order dated 19.12.2025.

13. Today, when these Second Appeals were taken up for hearing, the learned counsel appeared on behalf of Respondents submitted that subsequent to the earlier order dated 19.12.2025, Appellant has destroyed the crops in the suit property by setting fire on it. The learned counsel has also produced some photographs to that effect before this Court.

14. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is of the opinion that the Appellant's case deserves no merits of consideration. Hence, these Second Appeals are liable to be dismissed as devoid of merits.



15. Accordingly, these Second Appeals are dismissed as devoid of merits and concurrent judgments of the Courts below are confirmed. Consequently, Appellant is directed to hand over the suit property to the Respondents (legal representatives of the deceased Respondent Ganesan) as directed by the Trial Court in Judgment and Decree 15.07.2019 in O.S.No.242 of 2015, within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition are closed.

07-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1.The Principal Subordinate Judge,
Tiruvannamalai District.

2.The Additional District Munsif,
Tiruvannamalai.



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S.A.Nos.597 & 838 of 2



T.V.THAMILSELVI, J.

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S.A.Nos.597 & 838 of 2025

07-01-2026