



WEB COPY

SA No. 1053 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 1053 of 2021

AND

CMP NO. 19967 OF 2021

1. Papi Reddy
S/o. Late Muni Reddy, Palayam
Village, Jawalagiri Post, Denkanikottai
Tk, Krishnagiri Dist

2.Nagi Reddy
S/o. Late Muni Reddy, Palayam
Village, Jawalagiri Post, Denkanikottai
Tk, Krishnagiri Dist, Sampangirama
Reddy Died.

3.Sulochanamma Alias Sulasamma
W/o. Late Sampangirama Reddy,
Palayam Village, Jawalagiri Post,
Denkanikottai Tk, Krishnagiri Dist

4.Jayarama Reddy
S/o. Late Sampangirama Reddy,
Palayam Village, Jawalagiri Post,
Denkanikottai Tk, Krishnagiri Dist

Appellant(s)

Vs

1. Muni Reddy
S/o. Late Rama Reddy, No.86, 18th
Main , 12th Cross, Bharath Layout ,
Balaji Nagar, Dharmaram College Post,
Bangalore - 560 027

Respondent(s)



SA No. 1053 of 2021

PRAYER

To set aside the judgment and decree of the learned Principal Sub Judge of Hosur dated 17/02/2020 in AS.No.6/2019 confirming the judgement and decree of the Learned District Munsif and judicial Magistrate of Denkanikottai dated 27/06/2018 in Os No.160/2011

SA No. 1053 of 2021

For Appellant(s): Mr.V.Nicholas

For Respondent(s): Mr.K.L.Sekar

ORDER

This second appeal has been filed to set aside the judgment and decree of the learned Principal Sub Judge, Hosur dated 17.02.2020 in AS.No.6 of 2019 confirming the judgement and decree of the Learned District Munsif and judicial Magistrate of Denkanikottai dated 27.06.2018 in OS No.160 of 2011.

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

According to plaintiff, suit properties originally belonged to Pappi Reddy who died leaving behind his five sons Munireddy (father of defendants), Rama Reddy (father of Plaintiff), Venkata Reddy, Pedda Nanja Reddy and Chinna Nanja Reddy. All the sons of Pappi Reddy and defendants as legal heirs of their deceased father MuniReddy, entered into registered partition deed dated 18.02.1983 wherein suit properties and other properties were allotted to plaintiff's father Rama Reddy. The defendants were allotted 1.17 acres in survey number 21/3 and other properties. The defendants were not allotted with any share in survey number 24/2. After the death of plaintiff's father Rama Reddy



partition deed dated 14.07.2008 was entered into between plaintiff, his mother and brothers wherein suit properties and other properties were allotted to plaintiff. The patta of the suit properties stands in the name of the plaintiff and plaintiff is in possession and enjoyment of the suit properties. The defendants have also entered into registered partition deed dated 09.09.2010 wherein they have included portion of suit properties. The defendants are entitled to only 1.17 acres in survey number 21/3, but first defendant has been allotted 0.88 cents and second defendant has been allotted 0.60 cents in survey number 21/3. The defendants also included survey number 24/2 in the partition deed without any right. Survey number 24/2 measures only 0.79 cents, but defendants have allotted 0.26 cents to 1st defendant, 0.40 cents to 2nd defendant and 0.26 cents to third defendant fraudulently with wrong boundaries. The plaintiff has raised eucalyptus trees in survey number 21/3 and tamarind tree in survey number 24/2. Taking advantage of the fact that plaintiff is residing in Bangalore, defendants occupied Acre 1.22 cents in item no. 1 of the suit property property and entire extent in item number 2 of the suit property. Hence the plaintiff has come forward with this suit.

3. The averments in the written statement filed by the defendants in brief as follows:

According to defendant , the defendants resisted the suit by contending



that partition deed dated 18.02.1983 was not accepted by the parties of the partition deed and plaintiff's father Rama Reddy taken larger extent than the other sharers. In the year 1984 a muchilika was executed by the sharers, wherein it was agreed that partition deed dated 18.02.1983 was cancelled and fresh partition would be entered into again. The defendants are in possession and enjoyment of the suit properties. The second defendant had filed a partition suit O.S.49/2012 on the file of District Court Krishnagiri in respect of all the family properties.

4. On the side of the plaintiff two witnesses examined and marked five documents. On the other side, the defendants, examined two witnesses and marked three documents. Apart from that documents, Ex.X1 to Ex.X3, Ex.Y1 and Y2 were marked.

5. After considering oral and documentary evidence, the Trial Court decreed the suit by holding that that through partition deed dated 18.02.1983 and Adangal Extract it is established that the suit properties allotted to the plaintiff's father and subsequently to the plaintiff. Accordingly, the plaintiff is entitled to the relief of the declaration in respect of 'A' schedule property and also entitled to relief of possession in respect of 'B' schedule property. Challenging the same, the defendants preferred first appeal in A.S No. 6 of 2019, but the same was dismissed by the first appellate Court. Aggrieved over the same, the defendants preferred this Second Appeal.

6. The learned counsel for the appellants submits that the alleged partition



deed 18.02.1983 was not acted upon since because there was no equal partition under the said partition deed. Therefore, the plaintiff could not claim any right over the suit property based on the said partition deed. Further, the plaintiff is not in possession of the suit property at any time and therefore it is clear that Rama Reddy/father of plaintiff could not have taken possession of the suit properties. Hence, he prays to admit this Second appeal.

7. Heard the submission of the learned counsel for the appellant/respondent. For the sake of convenience the parties are denoted as per suit.

8. It is an admitted fact that suit properties and other properties originally belonged to Papi Reddy who died leaving behind five sons namely Munireddy/father of defendants, Rama Reddy/father of Plaintiff, Venkata Reddy, Pedda Nanja Reddy and Chinna Nanja Reddy. The plaintiff has filed the suit for the relief of declaration in respect of 'A' schedule property and for possession over the suit 'B' schedule property contending that based on the registered partition deed dated 18.02.1983 executed between Munireddy/father of defendants, Rama Reddy/father of Plaintiff, Venkata Reddy, Pedda Nanja Reddy and Chinna Nanja Reddy. After the death of plaintiff's father Rama Reddy, partition deed dated 14.07.2008 was entered into between plaintiff, his mother and brothers wherein suit properties and other properties were allotted to plaintiff. The patta of the suit properties stands in the name of the plaintiff and plaintiff is in possession and enjoyment of the suit properties. Taking advantage of the fact



that plaintiff is residing in Bangalore, defendants occupied Acre 1.22 cents in item No. 1 of the suit property property and entire extent in item number 2 of the suit property. The defendants contended that partition deed dated 18.02.1983 was not accepted by the parties of the partition deed and plaintiff's father Rama Reddy taken larger extent than the other sharers. Thereafter, in the year 1984, a muchilika was executed by the sharers, wherein it was agreed that partition deed dated 18.02.1983 was cancelled and fresh partition would be entered into again.

9. On perusal of records, it is seen that the defendants have not produced any document to show that the said registered partition deed dated 12.02.1983 was cancelled. As on date, the said registered partition deed is still in force. Had the defendants believed that it was not equal partition, they should have approached the Court to cancel the same but they failed to do so. On the other side, the plaintiff has proved his right and title over the suit properties through registered partition deed, Adangal and Chitta and the same was rightly appreciated by the Courts below which needs no interference. Hence, there is no substantial questions of law involved in this case. Accordingly, this Second Appeal is dismissed. The plaintiff is directed to vacate 'B' schedule properties within a period of three months from the date of receipt of a copy of this Judgement. Pending petition(s), if any, is/are closed. No Costs.

06-01-2026

pbl
Index:Yes/No



SA No. 1053 of 2021



Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Sub Judge, Hosur.
2. The District Munsif and Judicial Magistrate, Denkanikottai.
3. The Section Officer, V. R Section, High Court, Madras.



WEB COPY

SA No. 1053 of 2021



T.V.THAMILSELVI J.
pbl

**SA No. 1053 of 2021
AND CMP NO. 19967
OF 2021**

06-01-2026