



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA No. 19 of 2021 and
CMP No.390 of 2021**

1. Arumugham
S/o. Chinnaya Reddy, Mangalam Kilar St,
Ashok Nagar, Arakkonam.
2. Kanniyappan, S/o Chakravarthy,
No.26A, Ayyanar Street,
Ashok Nagar, Arakkonam.
3. Bhaskaran
S/o. Srinivasan, Annai Kasturi St, Ashok Nagar,
Arakkonam.
4. Malarkodi
W/o. Rajendran, No.17, Melandai Oppennakara
St, Arakkonam.
5. Devendran
S/o. Jayaraman Reddy, Chetteri Village,
Arakkonam Tk.
6. Meganathan
S/o. Jayaraman Reddy, Chettieri Village,
Arakkonam Tk.
7. Saraswathi Bai
W/o. Kuppurao, No.20, Lachi Ayyanaar St,
Arakkonam.
8. Ragavendra Rao
S/o. Kuppurao, No.20, Lachi Ayyanaar St,
Arakkonam.



9. Mothilal Rao
S/o. Kuppurao, No.20, Lachi Ayyanaar St,
Arakkonam.

10. Sandhya Bai
D/o. Kuppurao, No.20, Lachi Ayyanaar St,
Arakkonam.

..Appellant(s)

Vs

1. N.Nandha Gopal
S/o. Narasimma Mudalliar, Railway Employed,
No.5, Lachi Ayyanaar St, Ashok Nagar,
Arakkonam.

**[R1 already on record is recorded as Legal
heir of the deceased 2nd respondent, (memo
recorded 47503 dated 26.11.2025) vide order
dated 03.03.2026 in S.A.No.19 of 2021]**

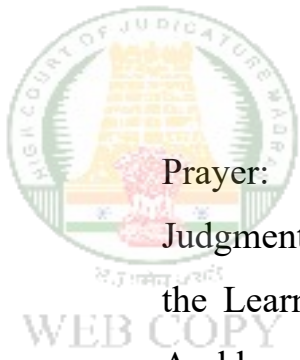
2. **Saraswathy (died)**
W/o. Narasimman Mudaliar, No.5, Lachi
Ayyanaar St, Ashok Nagar, Arakkonam.

3. V. Chitra
W/o. P. Vasu, No.49/120, Chinna Kainoor
Village, Kainoor Post, Arakkonam Tk,
Vellore Dt.

4. V. Vijayakumar
S/o. P. Vasu, No.49/120, Chinna Kainoor
Village, Kainoor Post, Arakkonam Tk,
Vellore Dt.

5. V. Ravi
S/o P. Vasu, No.49/120, Chinna Kainoor
Village, Kainoor Post, Arakkonam Tk,
Vellore Dt.

..Respondent(s)



Prayer: Second Appeal is filed under Section 100 of CPC to set aside the Judgment and decree dated 29.09.2019 made in AS.No.29 of 2019 on the file of the Learned Special Subordinate Judge, Special Sub Court for LAOP Cases, Arakkonam reversing the judgment and decree dated 22.09.2011 made in OS.No.297 of 1996 on the file of the learned District Munsif Court, Arakkonam.

For Appellant(s): Mr. Jeremiah Gregory John

For Respondent(s): Mr.Ma. P. Thangavel for R1

R2 – Died memo filed

R3 and R4 unclaimed

No appearance for R5

JUDGMENT

The unsuccessful defendants 1, 3 to 7 and 9 to 12 are the appellants herein. The respondents 1 and 2 herein/plaintiffs filed a suit in O.S.No.297 of 1996 seeking bare injunction against the appellants and other respondents. The said suit was dismissed by the Trial Court. The first appeal in A.S.No.29 of 2019 filed by the respondents 1 and 2 /plaintiffs was allowed by the first appellate court and consequently, the suit was decreed. Aggrieved by the same, the appellants have come before this court.



2. For the sake of convenience, the parties are referred to as per their ranking in the original suit.

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3. According to the plaintiffs, the suit property was originally a cultivable land owned by one Amma Kannammal and she converted the same into a vacant site and sold the suit property in favour of one Padmavathy Ammal under a registered sale deed dated 14.09.1943. After the demise of said Padmavathy Ammal, her husband Thiruvengada Mudaliar sold northern half portion to one S.K.Jayarama Mudaliar under a registered sale deed dated 12.11.1961. The said S.K.Jayarama Mudaliar sold the said northern portion to one Ranganadha Mudaliar under a registered sale deed 15.07.1981. The plaintiffs purchased the northern portion from the said Ranganadha Mudaliar under a registered sale deed dated 29.11.1981, which was marked as Ex.A4.

4. The southern half portion of the property was sold by the said Amma Kannammal in favour of one Sundarammal under a registered sale deed dated 01.11.1943, who in turn sold the same to one Thangavelu Mudaliar under a registered sale deed dated 02.11.1961. The said Thangavelu Mudaliar sold the southern portion to one Ranganatha Mudaliar under a registered sale deed dated 05.07.1981. The 3rd plaintiff, namely Saraswathy purchased the above said southern portion of the property from the said Ranganatha Mudaliar under a registered sale deed dated 29.11.1981, which was marked as Ex.A8. Thus, the



plaintiffs claimed right over the entire property described as ABCD in the plaint plan.

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5. It is the further case of the plaintiffs that they had put up a terraced house in a portion marked as ADNM in the plaint plan. It is also stated that they put up a thatched house in a portion shown as ZBXY in the plaint plan and the remaining extent of the property has been in their possession and enjoyment. The plaintiffs' further case is that the defendants, by claiming that they purchased northern strip of land in the suit property, which is shown as ABRS in the plaint plan, from the legal heir of the said Amma Kannammal, claimed right over the same and attempted to interfere with the possession of the plaintiffs. Therefore, the plaintiffs were constrained to file the above suit for bare injunction restraining the defendants from interfering with their alleged possession.

6. The defendants resisted the suit on the ground that they purchased the strip of land in the suit property as shown in the plaint plan as ABRS under a registered sale deed dated 12.09.1996. It was the specific case of the defendants that the entire suit property shown as ABCD in the plaint plan had not been sold by Amma Kannammal, as claimed by the plaintiffs and she retained the northern strip of land with a north-south measurement of 14 feet and the same was sold by her legal heirs in favour of the defendants. It is also stated by the



defendants that the plaintiffs constructed a terraced house on the western side of the property sold to the defendants by encroaching a portion of the property. It was further claimed by them that the remaining extent of the property purchased by the defendants has been in their possession and they had put up a thatched house in a portion shown as ZBXY in the plaint plan. The defendants also stated that the plaintiffs never enjoyed the suit property and the allegations made in the plaint regarding interference by the defendants was falsehood. On these pleadings, the defendants prayed for dismissal of the suit.

7. Before the Trial Court, the first and second plaintiffs were examined as PW1 and PW2 respectively and two other independent witnesses have been examined as PW3 and PW4. On the side of the plaintiffs Ex.A1 to Ex.A22 were marked. The defendants 1 to 4, 6 and 9 were examined as Dw 1 to Dw4 and Dw6 and DW8 respectively and two other witnesses have been examined as DW5 and DW7. On the side of the defendants Ex.B1 to Ex.8 were marked. The trial court appointed an Advocate Commissioner to note down the physical features of the suit property and he filed his report and plan and the same were marked as Ex.C1 and Ex.C2.

8. The trial court court came to the conclusion that a suit for injunction simpliciter filed by the plaintiffs was not maintainable, in the absence of prayer for declaration of title and dismissed the suit. Aggrieved by the same, the



plaintiffs preferred an appeal in A.S.No.29 of 2019 and the first appellate court reversed the said findings of the trial court and allowed the suit. Aggrieved by the judgment and decree passed by the first appellate court, the above mentioned defendants have come before this court by way of filing the present second appeal.

9. The learned counsel for the appellants/defendants would submit that the plaintiffs purchased a portion of the suit property under Ex.A4 and Ex.A8, with specific extent, however, they claimed right over the larger extent with four boundaries mentioned in the title documents. The learned counsel also submitted that in the light of the dispute with regard to the extent shown in the title documents and the actual extent available within the four boundaries mentioned in the sale deeds in favour of the plaintiffs, there is a serious dispute with regard to the title and in such circumstances, the suit for bare injunction filed by the plaintiffs is not maintainable.

10. It is not disputed that the plaintiffs purchased the suit property shown as ABCD in the plaint plan under two registered sale deeds dated 29.11.1981, which were marked as Ex.A4 and Ex.A8. The defendants claimed that they purchased a narrow strip of the land on the northern side portion of the suit property, which was shown as ABRS in the plaint plan, under registered sale deeds dated 12.09.1996. The said sale deeds were marked as Ex.B1 to Ex.B7.



Therefore, it is clear that the title documents of the plaintiffs were anterior, when compared to the title documents of the defendants. Therefore, the defendants could have purchased the property what was available with the original owner, after the purchase made by the plaintiffs.

11. A perusal of the boundary description found in Ex.A4 and Ex.A8 would indicate that the plaintiffs purchased entire property owned by their vendor, which lies on the immediate south of road leading to Kaiyanoor. If the vendor of the plaintiffs retained any property on the immediate south of the road, then, the retained property should have been shown as northern boundary of the property covered by Ex.A4 and Ex.A8. The northern portion of the suit property was purchased by the deceased first plaintiff namely Narasimma Mudaliar under Ex.A4 and the southern portion of the suit property was purchased by the third plaintiff namely Saraswathy under Ex.A8. In Ex.A4 sale deed, northern boundary has been shown as "கையனூர்க்குப் போகும் ரோட்டுக்கு தெற்கு". In such circumstances, it is clear that entire property on the south of road, including the disputed ABRS portion was sold to the plaintiffs in the year 1981 itself. Therefore, the claim made by the defendants, as if they purchased the disputed strip of land, which lies on the immediate south of Kaiyanoor road in the year 1996 under Ex.B1 to Ex.B7 is not acceptable. The title documents of the plaintiffs, which is anterior will prevail over the title



documents of the defendants.

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12. Further, the submission made by the learned counsel for the appellant that the plaintiffs purchased the property only with a specified extent and therefore, they cannot claim right over the entire property covered by the four boundaries, cannot be accepted, in the light of the well settled law that boundaries will prevail over extent.

13. The learned counsel for the appellants by relying upon the decision of this court in *R.Thangam Vs. P.T.Ram Mohan* reported in *2019 (1) CTC 739* would submit that normally boundaries would prevail over extent, but the said principle cannot be pressed into service, in the cases, wherein, there is no doubt or dispute with regard to the extent of the properties sold. In the case on hand, the North-South measurement of the property sold to the plaintiffs under Ex.A4 was mentioned as 36 feet on the western side; and 31 feet on the eastern side. Likewise in Ex.A8, north-south southern portion sold to the plaintiffs was mentioned as 32 feet. Therefore, it is clear that, in toto, the plaintiffs purchased north-south measurement of 68 feet on the northern side and 63 feet on the eastern side.



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14. It is seen from the Advocate Commissioner's report and plan, which has been marked as Ex.C1 and Ex.C2 that north-south measurement of the property is 76 feet and east-west measurement of the property is 95 feet. In Ex.A4 and Ex.A8, east-west measurement is mentioned as 100 feet. Therefore, it is clear that the linear measurements and the extent mentioned in the title documents are only approximate. In such circumstances, there is a doubt with regard to the measurements and extent mentioned in the document. Even as per the judgment relied on by the learned counsel for the appellants, the general principle that "boundaries will prevail over extent" is applicable to the present case. Therefore, this court has no hesitation in coming to the conclusion that the well settled principle of law that "boundaries will prevail over extent" can be pressed into service and accordingly, the title documents established that the plaintiffs purchased the entire property shown as ABCD in the plaint plan and hence, the subsequent purchasers, namely the defendants cannot have any claim over the suit property. The learned counsel for the appellants has not made out any substantial question of law for consideration in the second appeal and hence, the second appeal fails.



15. Accordingly, this second appeal is dismissed, confirming the judgment and decree passed by the first appellate court. There shall be no order as to costs. Connected miscellaneous petition is closed.

03-03-2026
(2/2)

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

MST

To

1. The Special Subordinate Judge,
Special Sub Court for LAOP cases,
Arakkonam, Vellore district.
2. The District Munsif, Arakkonam.



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S.SOUNTHAR, J.

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(2/2)**