



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

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CS No. 283 of 2025

1. A.Selvakumar and another
S/o.Late.P.V.Appapillai,
No.1199, 17th Central Cross Street,
M.K.B.Nagar, Chennai-600039.
2. A.VaijayanthimalaD/o.Late.P.V.Appapillai
No.35, 1st Cross, 1st Main, 1st Street,
NGEF Layout, Sadananda nagar,
Bangalore-560038

..Plaintiff(s)

Vs

1. A.Selvamani and 2 others
S/o.Late.P.V.Appapillai,
No.1076 B, TVS Colony,
48th Street, Anna Nagar, West Extension,
Tiruvallur, Tamil Nadu-600101.
2. A.Anbazhagan
S/o.Late.P.V.Appapillai,
No.1199, 17th Central Cross Street,
M.K.B.Nagar, Chennai-600039
3. A.Shanthi
W/o.Jayshankar,
No.1199, 17th Central Cross Street,
M.K.B.Nagar, Chennai-600039

..Defendant(s)

Prayer : Suit filed under Order VII Rule 1 of Code of Civil Procedure, 1908 read with Order IV Rule 1 of O.S. Rules for a) Pass a preliminary decree declaring that the plaintiffs are entitled to 2/5th share in the suit proeprties and



in pursuant of that pass a final decree by dividing the suit properties into 5 equal shares by metes and bounds and to allot 2/5th share to the plaintiffs b) Award the costs of the suit.

For Plaintiff(s): Mr.P.Sesubalan Raja

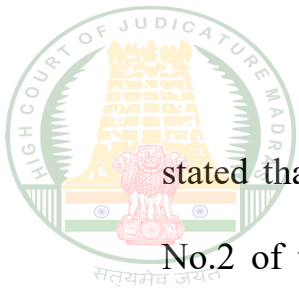
For Defendant(s): Mr.E.Prabu

JUDGMENT

The plaintiffs have filed the suit for partition and separate possession of their 2/5th share in the suit schedule properties.

2. The plaintiffs and the defendants are the children of late Mr. P.V. Appapillai and late Mrs. Indirani. According to the plaintiffs, Mr. P.V. Appapillai died intestate on 24.04.2008 and Mrs. Indirani died intestate on 30.07.2014, leaving behind the plaintiffs and defendants as their only legal heirs. Consequently, each of the five children is entitled to an undivided 1/5th share in the suit properties. The plaintiffs, therefore, together claim an undivided 2/5th share therein.

3. The plaintiffs state that Item No.1 of the schedule property was purchased by Mr. P.V. Appapillai during his lifetime. After the said purchase, he constructed a house consisting of a ground floor and first floor. It is further



stated that the first defendant subsequently constructed the second floor. Item No.2 of the schedule property is stated to have been purchased by Mr. P.V. Appapillai in the name of his wife, Mrs. Indirani, under a sale deed dated 10.03.1989, registered as Document No.1077 of 1989 on the file of the Sub-Registrar, Thiruvottiyur. Similarly, Item Nos.3 and 4 are also stated to have been purchased by Mr. P.V. Appapillai in the name of Mrs. Indirani. Thus, according to the plaintiffs, all the schedule properties form part of the family estate and are available for partition among the legal heirs.

4. The plaintiffs state that, after the death of their parents, all parties have been in joint possession and enjoyment of the suit properties. However, the first defendant, being the eldest member, retained the original title deeds and controlled the movable properties of the deceased parents.

5. The second plaintiff, who resides at Bangalore, sought partition of the family properties for the benefit of her family and children. Though the other siblings were willing for amicable division, the first defendant refused equal partition and claimed a larger share on untenable grounds.

6. On receipt of the legal notice, the first plaintiff, second defendant and third defendant sent a reply dated 13.03.2025 expressing willingness for equal division. Thereafter, on 14.03.2025, they executed a notarised agreement



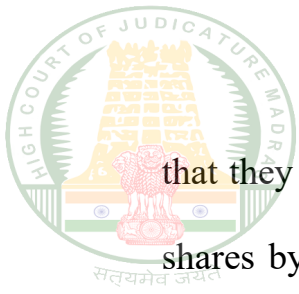
recording their intention to divide the family properties equally among all siblings.

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7. On the above pleadings, the plaintiffs seek a preliminary decree declaring their entitlement to an undivided 2/5th share in the suit properties. The plaintiffs further seek a final decree for division of the suit properties into five equal shares by metes and bounds and allotment of their 2/5th share, together with costs.

8. The defendants 1 to 3 filed their written statements separately and admit that the plaintiffs and the defendants are the children and legal heirs of late Mr. P.V. Appapillai and late Mrs. Indirani. They state that Mr. P.V. Appapillai died intestate on 27.04.2008 and Mrs. Indirani died intestate on 30.07.2014, leaving behind the plaintiffs and defendants as their only legal heirs. They further admit that Item No.1 of the suit schedule property was purchased by Mr. P.V. Appapillai, who constructed the ground floor and first floor therein, and that Item Nos.2 to 4 were purchased by Mr. P.V. Appapillai in the name of Mrs. Indirani.

9. The defendants 1 to 3 have admitted that the suit properties are available for partition among the plaintiffs and defendants and that each of the five children is entitled to an undivided 1/5th share therein. They have stated



that they have no objection to the partition of the suit properties into five equal shares by metes and bounds. Each of them has sought allotment of his or her respective 1/5th share in the suit properties by metes and bounds, with separate possession.

10. The present suit has been filed by the plaintiffs for partition, jointly claiming 2/5th share in the suit schedule properties. Defendants 1 to 3 have filed their written statements admitting the claim of the plaintiffs and also claiming their respective 1/5th share in the suit schedule properties by paying the requisite court fee under Section 37(3) of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

11. In view of the admission made by defendants 1 to 3, a preliminary decree is passed declaring that the plaintiffs are jointly entitled to 2/5th share in the suit schedule properties and defendants 1 to 3 are each entitled to 1/5th share in the suit schedule properties. Considering the relationship between the parties, there shall be no order as to costs.

19-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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DR.A.D.MARIA CLETE, J.

VRC

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