



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

SA No. 290 of 2026 and

CMP No.1088 of 2026

R. Rajendiran, S/o Ramachandra Pillai,
Perumal Koil Street, Ulagapuram Village,
Vanur Taluk, Villupuram District.

..Appellant(s)

Vs

1. R. Krishnaraj
(Died)
2. Ammani, W/o. Late. Krishnaraj,
3. Arisudhan, So. Late. Krishnaraj,
4. Kayalvizhi, Do. Late. Krishnaraj,
R2 to R4 are residing at Nadu Theru,
Ulagapuram Village and Post,
Vanur Taluk, Villupuram District

Sole respondent died, R2 to R4 are brought
as L.Rs. of the deceased sole respondent vide
court order dated 05.03.2026 made in
CMP Nos.4326 and 4335 of 2024 in
SA Sr No.136493 of 2022

..Respondent(s)



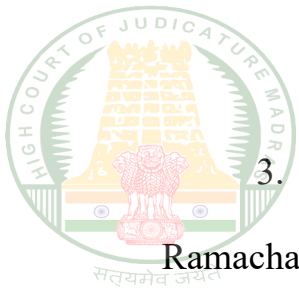
Prayer: Second Appeal is filed under Section 100 of Code of Civil Procedure to set aside the Judgement and Decree dated 20.04.2022 made in AS No.8 of 2018 on the file of the I Additional District Judge, Tindivanam, confirming the Judgement and Decree dated 20.12.2017 made in OS No.80 of 2011 on the file of the Additional Subordinate Judge, Tindivanam by allowing this Second Appeal.

For Appellant(s): Mr. T.Dhanasekaran

JUDGMENT

The unsuccessful plaintiff is the appellant herein.

2. The appellant/plaintiff filed a suit in O.S.No.80 of 2011 seeking declaration that the settlement deed dated 10.12.2009 executed by his father Ramachandrapillai in favour of his brother, the respondent/defendant was null and void and for consequential injunction restraining the defendant from interfering with his alleged possession over the suit property. He also sought for bare injunction, restraining the defendant from alienating the suit property to third parties. The said suit was dismissed by the trial court. The findings of the trial court were affirmed by the first appellate court. Aggrieved by the concurrent findings of the courts below, the plaintiff has come before this court by filing the present second appeal.



3. The appellant/plaintiff and his brother/defendant were sons of Ramachandra Pillai. According to the plaintiff, the suit properties originally belonged to one Muthukrishna Pillai and his son Pachaiyappa Pillai and the said Muthukrishna Pillai is grand father of Ramachandra Pillai. The said Pachaiyappa Pillai died intestate and there was a family arrangement on 06.08.1958, where under, the family properties were divided into four schedules. Accordingly, A schedule was allotted to the share of Muthukrishna Pillai, B schedule was allotted to the share of Ramachandra Pillai, C schedule was allotted to the share of plaintiff and D schedule was allotted to the share of defendant. It was the case of the plaintiff that there was a clause in the family arrangement that in case any male child born to Ramachandra Pillai in future, he shall be given share in the A schedule property allotted to Muthukrishna Pillai and after life time of Muthukrishna Pillai, the properties allotted to him shall go to Ramakrishnan pillai. Further, it was stated by the plaintiff that, after attaining majority, the plaintiff and the defendant got their respective properties allotted to them, as per the family arrangement and they have been enjoying the same. The another son born to Ramachandra Pillai, namely Sekar alias Muthukrishnan died as a bachelor and therefore, the share of the said Muthu Krishnan in the A schedule property to the family arrangement shall go to his mother Viruthambal, wife of Ramachandra Pillai. After death of Muthu Krishnan @ Sekar, the father Ramachandra Pillai and the mother Viruthambal enjoyed the properties absolutely, described as A and B schedule to the family arrangement made in



the year 1958. Since they could not maintain the properties due to their old age, the properties described in A and B schedule were partitioned orally between the plaintiff and the defendant.

4. It is further stated by the plaintiff that for the last 5 years immediately preceding filing of the suit, Ramachandra Pillai was not in stable mental condition and hence, the plaintiff and defendant jointly filed a suit in O.S.No.50 of 2009 seeking bare injunction, restraining their father Ramachandra pillai from alienating his properties to third parties. When the said suit was pending, the said Ramachandra pillai and his wife Viruthambal passed away. The defendant got a settlement deed from Ramachandra Pillai in his favour with regard to the suit property, taking advantage of his unstable mind. Therefore, the said settlement deed was not a valid one. The plaintiff further pleaded that the item No.3 of the suit schedule property was purchased by Angammal, mother of Ramachandra Pillai on 04.07.1977, from the income of the C schedule property, allotted to the share of plaintiff in the family arrangement, as she acted as plaintiff's guardian and hence, the said property was his separate property. The plaintiff further contended that the defendant created a document, as if Ramachandra pillai purchased item No.1 of suit schedule property on 09.12.2009 from one Seenivasan and thereafter, settled the same in his favour on the same date itself. According to the plaintiff, both the documents were invalid due to the unstable mental condition of Ramachandra



Pillai. Hence, the plaintiff sought for declaration and injunction as mentioned above.

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5. The defendant filed a written statement and denied various averments found in the plaint, as if the father Ramachandra Pillai was not in stable mental condition. It was the case of the defendant that his father Ramachandra Pillai was in sound state of mind and he executed a settlement deed in the presence of two witnesses. Therefore, according to him, the settlement deed impugned in the suit was a valid document. It was also stated in the written statement that the plaintiff attained majority, even prior to the purchase of the property by Angammal and after attaining majority, the plaintiff sold various properties to third parties. Further, when the suit item 3 was purchased by Angammal on 04.07.1977, she was not the guardian of the plaintiff and the said property was acquired by her out of her own fund. After the death of Angammal, the property devolved upon Ramanchandran and he settled the suit item 3 of the property in favour of the defendant. It was further contended by the defendant that the item No.1 of the suit property was purchased by Ramachandran out of his own funds and he settled the same in favour of the defendant.

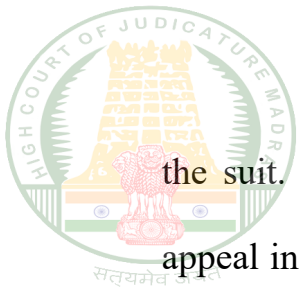
6. The defendant also pleaded that the plaintiff by making misrepresentation, obtained signature of this defendant in the plaint in O.S.No.50 of 2009, which was filed against their father Ramachandra Pillai and three others. In the said suit, their father Ramachandra pillai entered appearance



and filed written statement stating that he executed the sale deeds with stable mental status. The said plea was accepted by the trial court and said suit was dismissed. Hence, the contention raised by the plaintiff with regard to the mental condition of Ramachandran was already negated by the trial court. The defendant also pleaded that in the family arrangement entered in the year 1958, the plaintiff and the defendant were allotted separate properties under C and D schedule to the family arrangement. The allegation in the plaint that there was a oral partition between the plaintiff and the defendant with regard to the properties covering A and B schedule to the family arrangement was also denied by the defendant. Further, the allegation in the plaint, as if the properties allotted to Muthu Krishnanan Pillai under A schedule to the family arrangement would go to unborn son of Ramachandran was also denied. On these pleadings, the defendant sought for dismissal of the suit.

7. Before the Trial Court, the plaintiff was examined as PW1 and yet another witness was examined as PW2. On behalf of the plaintiff, 9 documents were marked as Ex.A1 to Ex.A9. The defendant examined himself as DW1 and two attestors to the settlement deed were examined as DW2 and DW3. On behalf of the defendant, 13 documents were marked as Ex.B1 to Ex.B13.

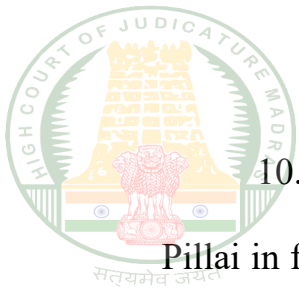
8. The Trial Court, on appreciation of oral and documentary evidence available on record, came to the conclusion that the plaintiff failed to lead any substantial evidence to prove his contentions raised in the plaint and dismissed



the suit. Aggrieved by the findings of the Trial Court, the plaintiff filed an appeal in A.S.No.8 of 2018 on the file I Additional District Judge, Tindivanam.

The first appellate court, affirmed the findings of the trial court. Challenging the concurrent findings of the courts below, the plaintiff has filed the instant second appeal.

9. The learned counsel for the appellant/plaintiff would submit that the suit properties belonged to Muthu Krishnan Pillai, the grand father of Ramachandra Pillai and there was a partition in the family and the properties allotted to the share of Muthu Krishnan Pillai with life estate was reserved to the unborn son of Ramachandra Pillai. He further submitted that after the death of third son, namely Sekar @ Muthu Krishnan born to Ramachandra Pillai, his share will go to Ramachandra Pillai's wife and therefore, Ramachandra Pillai was not entitled to execute the settlement deed in favour of the defendant. It is also submitted by the learned counsel for the appellant that taking advantage of the unstable mental status of Ramachandra Pillai, the defendant obtained a settlement deed in his favour with regard to the suit property. He also submitted that with regard to the unstable mental condition of Ramachandra Pillai a suit in O.S.No.50 of 2009 was filed by the plaintiff and the defendant and the plaint in the said suit was marked as Ex.A6 and the said document was not properly considered by the courts below.

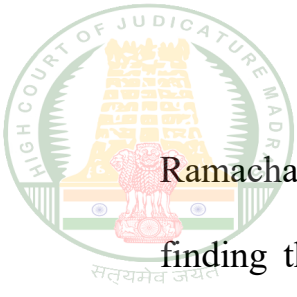


10. As far as the validity of the settlement deed executed by Ramachandra Pillai in favour of the defendant is concerned, the said document was marked as

Ex.B13. Both the attesor to Ex.B13 have been examined as DW2 and DW3.

The courts below, considering the evidence of attestors, came to the conclusion that the execution of settlement deed by Ramachandra pillai in favour of the defendant was proved properly. The learned counsel for the appellant is unable to convince this court that the said findings reached by the courts below is erroneous. In such circumstances, there is no difficulty in coming to the conclusion that Ex.B13 settlement deed executed by Ramachandra Pillai in favour of the defendant was proved in the manner known to law by examining the attestors to the document.

11. As far as the mental condition of Ramachandra Pillai is concerned, it is the specific case of the plaintiff that the plaintiff and the defendant jointly filed a suit in O.S.No.50 of 2009 alleging the unstable mental condition of Ramachandra Pillai. Ex.B2 is the written statement filed in O.S.No.50 of 2009 by Ramachandra Pillai. In the said written statement, Ramachandra pillai categorically stated that he was in good mental condition. The above said suit in O.S.No.50 of 2009 was dismissed on 25.03.2011 and the judgment and decree passed in the suit have been marked as Ex.B11 and Ex.B12. Based on the said exhibits, both the courts below came to a conclusion that the allegation in the plaint in O.S.No.50 of 2009 regarding unstable mental status of



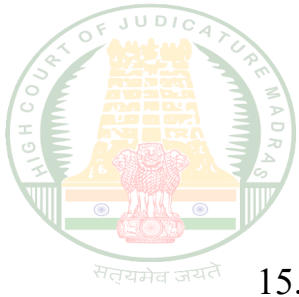
Ramachandra Pillai was not acceptable and the said suit was dismissed with a finding that Ramachandra pillai had good mental status. Inview of the said findings, the plaintiff is not entitled to raise a plea that Ramachandra Pillai was in unstable mental condition. In fact, the mental capacity of Ramachandra Pillai was spoken to by the attestors to Ex.B13 settlement deed and the same has been accepted by the courts below. Inview of the same, the submission made by the learned counsel for the appellant regarding unstable mental status of Ramachandra Pillai is not acceptable to this court.

12. It is contended by the learned counsel for the appellant/plaintiff that the properties allotted to Muthu Krishna Pillai in the family arrangements was reserved to the unborn son of Ramachandra Pillai and the third son born to Ramachandra Pillai died as a bachelor and hence, the properties devolved upon the wife of Ramachandra Pillai. Though the plaintiff raised the said plea in the plaint, there is no specific averment what are all the suit items allotted to the share of Muthu Krishnan Pillai, which were reserved for unborn son of Ramachandra Pillai. In fact, it was specifically pleaded by the plaintiff in the plaint that there was a oral partition between the plaintiff and the defendant with regard to the properties described in A and B schedule to the family arrangement.



13. In Paragraph No.5 of the plaint, it was specifically pleaded that due to advanced age of Ramakrishnan, he could not manage the properties described in A and B schedule to the family arrangement and there was a oral partition of the suit properties between the plaintiff and the defendant. However, both the courts below rendered a finding that the plaintiff failed to lead any evidence to substantiate the oral partition pleaded by him. When the plaintiff is unable to establish the oral partition alleged in the plaint, he is not entitled to say that Ramachandra Pillai had no right to execute the settlement deed in favour of the defendant.

14. It is seen from the averments in the plaint that in the year 1959, there was a partition in the family of the plaintiff and defendant and they got separated from the family by allotment of specific shares. In such circumstances, the properties allotted to Ramachandra Pillai shall be treated as his separate properties and his sons namely plaintiff and defendant cannot claim any right over the same. Further, any settlement deed executed by Ramachandra Pillai covering the properties allotted to him in favour of the defendant is perfectly valid in law. Both the courts below rightly appreciated the said position and non suited the plaintiff. I do not find any error in the findings reached by the courts below and I find no substantial question of law arising for consideration in this second appeal.



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15. Accordingly, the second appeal stands dismissed, confirming the findings of the courts below. There shall be no order as to costs. Connected miscellaneous petition is closed.

08-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

1. The I Additional District Judge, Tindivanam,
2. The Additional Subordinate Judge, Tindivanam.



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S.SOUNTHAR, J.

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