



WEB COPY

SA No. 715 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

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

SA No. 715 of 2025

AND

CMP NO. 26535 OF 2025

Karthick L
S/o.Lakshmanan,
Ground Floor, No.1179, Ambethkar Nagar, West
Velachery, Chennai - 600 042.

..Appellant(s)

Vs

1. Pangajam L
W/o.Late Lakshmanan,
First Floor, No.1179 Ambedkar Nagar, West
Velachery, Chennai - 600 042.

2. L.Rukkumani
D/o.Late Lakshmanan,
First Floor, No.1179 Ambethkar Nagar,
West Velachery, Chennai - 600 042.

..Respondent(s)

PRAYER

Second Appeal filed under Sec.100 of Civil Procedure Code, praying to set aside the Judgement and decree dated 10-03-2025 in AS.No.170 of 2023, passed by the I Additional Judge, City Civil Court, Chennai confirming the judgement and decree dated 14-11-2022 in OS.No.1666 of 2022 passed by the XX Assistant Judge, City Civil Court, Chennai.



For Appellant(s):

Mr.A.D.Janardhanan

For Respondent(s):

Mr.M.Lenin Samuel For R1 And R2

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JUDGMENT

Challenging the concurrent findings of the courts below, the plaintiff preferred this Second Appeal.

2.Before the trial court, the plaintiff filed a suit for permanent injunction restraining the defendants not to cause interference or not to make any encumbrance in respect of suit property at ground floor No.1179, Ambethkar Nagar, West Velacherry, Chennai-600 042 and other consequential relief against his mother and his sister/defendants 1 and 2.

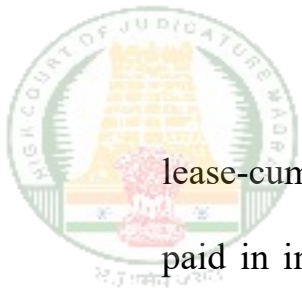
3.For the sake of convenience, the parties are denoted as per the ranking in the Suit.

4.According to the plaintiff, the suit property as per the scheme of Tamil Nadu Slum Clearance Board, the land was allotted in the name of his mother/1st defendant. Thereafter, he along with his parents were living in that premises and in the year 2011, his father was died. Thereafter, he took care of his mother as well as unmarried sister and also by availing loan from private persons and other authorities, he put up construction, wherein all were living jointly. He is



working as a Call Taxi driver and got married in the year 2018 and begotten one female child. Thereafter, some misunderstanding arose between the plaintiff and his unmarried sister/2nd defendant. Therefore, there was an arrangement made. Accordingly, the unmarried sister/2nd defendant decided to live in the first floor and his mother/1st defendant, plaintiff along with his wife were residing in the ground floor. But the 2nd defendant used to cause interference, due to which, his wife was almost stayed in her parents house. So, the ground floor was happened to be locked, at that time, without his knowledge, his mother and sister broke open the lock and took some of his articles. However, there was a Koorchit executed by his mother, in which, the first floor was allotted to 2nd defendant and the ground floor was allotted to plaintiff and his mother. But, contrary to the terms of Koorchit, the defendants joined together and causing interference and also used to disturb his possession in the ground floor. Hence, he gave a complaint to the police. Accordingly, he came forward with the suit for permanent injunction.

5. The suit was contested by both defendants by filing written statement and admitted the relationship but the other allegations were denied. The 1st defendant contended that she was a senior citizen and her unmarried daughter looked after her. She had also contended that the house described in the second schedule was allotted to her by the Tamil Nadu Slum Clearance Board presently known as Tamil Nadu Urban Habitant Development Board on 11.01.1995 on a



lease-cum-sale agreement with conditions, for which the amount was also to be paid in instalments for a period of two years. Now, the entire instalments was also paid by them. But, so far the sale deed was not executed in her favour. Without which, the 1st defendant obtained electricity connection, water and sewerage connection with the help of Central Government's Prathan Mantri Awas Yojna Scheme and she was given a sum of Rs.2,10,000/- in that scheme. Since she is a domestic woman and her hard-earned money was invested in constructing ground floor. Her unmarried daughter was residing with her and doing tailoring job. She had also helped her to put up construction of the house at the ground floor. She would also submit that her son/plaintiff is residing comfortably with his father-in-law's house and he never resided along with her. She along with 2nd defendant residing in the ground floor and there was a small room in the first floor, wherein the 2nd defendant doing tailoring work. Nearly about two years, the plaintiff is not residing with her. Further, the plaintiff has also received a sum of Rs.4,50,000/- from the defendants on various occasions and he borrowed loan from third parties by pledging documents. By settling the loan amount, she got back the document. She claims that she is absolute owner of property, in which the plaintiff has no right to claim any right and title. He had caused interference and also obtained some signature in blank papers from the 1st defendant. Furthermore, he gave wrong address in the plaint, in fact, she is residing at West Velacherry and not at Adambakkam. Hence, she prayed to dismiss the suit.



6. Before the trial court, both parties adduced evidence. On the side of plaintiff, he was examined as P.W.1. His Aadhar card, driving license, voter id card and other documents were marked as Ex.A1 to Ex.A5. Mother/1st defendant was examined as D.W.1. On her side, documents Ex.B1 to Ex.B4 were marked.

7. Considering the evidence on record, the trial judge framed four issues and finally held that the plaintiff has not produced any document to show that on the date of filing of the suit in the year 2022, he was in possession of property and the documents, which he relied were not relevant to the period of 2022. Ex.A2 was issued in the year of 2014 and Ex.A3 was issued in the year 2012, which were issued long back. The other documents were also not proved that he was in possession of property. Therefore, the trial judge held that the plaintiff was not residing in the suit property and the documents relied by him also not supporting his case. As per Ex.B1, the allotment was given in the name of 1st defendant and as per Ex.B2, the loan subsidy was given to 1st defendant for the purpose of construction, thereby the 1st defendant able to prove that she constructed a house, on the other hand, the plaintiff not produced any document to show that he has contributed any amount to the construction. The trial judge finally held that as possession of the property was not proved by the plaintiff, he was not entitled for relief as claimed in the suit. Accordingly, the suit was dismissed.



8. Challenging the said findings, the plaintiff preferred an appeal in A.S.No.170 of 2023 along with application under Order 41 Rule 7 of C.P.C. to receive additional documents in I.A.No.3 of 2024, wherein he produced Indane Gas Tax invoice, Bank pass book first page, Gas distribution receipts, photographs and also produced CD for possession of property. The application in I.A.No.4 of 2024 was also filed to receive the Koorchit. Those documents were strongly objected by the defendants stating that it is not relevant to the case and it would not bind the plaintiff and in order to fill up the lacuna, he came forward with such application. Admittedly, the additional documents filed in I.A.No.3 of 2024 and the E.B. Card, all were after the suit and also not related to the relevant point of time. Therefore, the first appellate court not inclined to receive those documents, which are irrelevant to the case and dismissed the application. The first appellate court finally concluded that the possession of plaintiff has not been proved and he was also not a co-owner of the suit property as the property was allotted to 1st defendant, who is absolute owner. Accordingly, the appeal was also dismissed. Challenging the concurrent findings, the plaintiff preferred this Second Appeal.

9. The learned counsel for appellant argues that the courts below failed to appreciate the evidence produced on his side in order to prove his possession of the first floor and entitled to get relief as prayed for. But, the trial court failed to



appreciate the evidence and documents in a proper manner. Hence, he prayed to set aside the findings of the courts below.

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10. The learned counsel for respondents replied that the plaintiff made a false claim before the trial court as if he is in possession of the ground floor along with his father and mother. There is a ground floor and in the first floor, there is a small room, wherein the 2nd defendant is doing tailoring work. After the marriage, the plaintiff settled with his father-in-law's house. But, he caused interference to the 1st defendant's enjoyment and also insisted her to give the property forcibly. So, there was a dispute arose, besides, he borrowed loan by pledging the document and by settling the loan amount, she got back the document, which was proved by her that by availing loan from the Central Government Scheme, she constructed the house. After allotment given to her by the Government of Tamil Nadu and those documents were produced before the courts below, which was rightly appreciated by the courts below. Hence, he prayed to dismiss the suit.

11. Considering the facts and circumstances and also considering both side submissions, this Second Appeal is admitted on the following question of law:-

(a) Whether the courts below have properly appreciated the schedule of property is only for allotment by the Tamil Nadu Slum Clearance



Board, they did not consider the 1st defendant not having any sale deed in her favour?

(b) Whether the courts below have properly appreciated the appellant is the son of the 1st defendant and having possession of the property in Ground Floor?

12. On perusal of records, it reveals that as per Ex.B1, Tamil Nadu Slum Clearance Board allotted the suit land in favour of 1st defendant. Thereafter, as per Ex.B2, the 1st defendant able to establish that under the Central Government Scheme, a loan of Rs.2,50,000/- was given and with the help of which, she put up construction in the property. The 1st defendant along with her unmarried daughter are residing in the suit property. But, the plaintiff contended that as per Koorchit in the ground floor, he along with his mother residing and in the first floor, his sister is residing and the same was entered into Koorchit. But to prove Koorchit arrangement, the said document was not produced before the trial court nor any specific pleadings to that effect with the plaintiff. But during the first appeal proceedings, they have produced some documents claiming the Koorchit, but to fill up the lacuna, those documents were subsequently produced. Therefore, the first appellate judge not inclined to receive additional documents, which needs no interference. Apart from that, the contention of plaintiff that he borrowed loan and put up construction, but no document was produced to prove the same, which was rightly appreciated by the courts below and it requires no interference.



13. The other contention of defendants is that the 1st defendant was in possession of the property and to prove the same, she has produced Ex.B1.

Before the trial court, the suit was filed in the year 2022, but there is no document to show that on the date of filing of the suit, the plaintiff was in possession of the suit property. The specific contention of defendants that after the marriage of plaintiff, he settled with his father-in-law's house. Therefore, the plaintiff is bound to prove that in the year 2022, he was in possession of the property, but no such document produced by him to prove the same. Furthermore, he has produced aadhar card, driving license, voter id, which were not relevant and rightly observed by the courts below, which needs no interference. There was a complaint between the parties, which shows that there was no cordial relationship between the plaintiff and defendants 1 and 2.

14. Furthermore, the plaintiff has obtained loan by pledging jewels, which was settled by the defendants 1 and 2 with the help of their meagre income. Anyhow, as per Ex.B1, the 1st defendant is the absolute and true owner, against whom, the plaintiff is not entitled to claim the relief of injunction. That apart, he has not proved that he was in possession of the property on the date of suit. Therefore, both courts below rightly dismissed the plaintiff's claim, which requires no interference. Moreover, the courts below rightly appreciated the evidence and the allotment order issued in favour of 1st defendant. Though the sale deed was not executed in her name, as per the allotment order, she paid the



instalments, which confers absolute right between herself and the Government officials with regard to issuance of sale deed and after completion of instalment, the sale deed will be executed in the name of 1st defendant as per the procedure contemplated under the scheme. The same cannot be challenged by the plaintiff, who is third party to the said allotment. Therefore, the findings rendered by the courts below to that effect is sustainable one. Accordingly, the question of law (a) is answered.

15. The plaintiff is not able to prove his possession of the ground floor and the same was rightly appreciated by the courts below and it requires no interference. Accordingly, the question of law (b) is answered.

16. In the result, this Second Appeal stands dismissed and the findings rendered by the first appellate court in A.S.No. 170 of 2023 is confirmed. Consequently, the suit is dismissed. The plaintiff is directed to take his belongings from the suit property within 2 weeks without causing annoyance to D1. As the 1st defendant is a senior citizen, aged about 68 years and the 2nd defendant is an unmarried daughter, he shall not cause any interference to them in future. No costs. Consequently, connected civil miscellaneous petition is closed.

04-02-2026

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



To

1. I Additional Judge,
City Civil Court, Chennai.
2. XX Assistant Judge,
City Civil Court, Chennai.
3. Section Officer,
VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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