



WEB COPY

SA No. 850 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-02-2026**

CORAM

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

**SA No. 850 of 2025**

**AND**

**CMP NO. 32857 OF 2025**

Tamilarasi  
W/o.Late Senthilkumar,  
Main Road, Anaikundam Post,  
Udayarpalayam Tk.,  
Ariyalur Dist.

..Appellant(s)

Vs

1. Kolanjiyappan  
S/o.Arunachalam,  
No.10/3A, North Madavilagam,  
Thirupanandal Post,  
Thiruvidaimaruthur Tk.,  
Thanjavur Dist.
2. Dhanalakshmi  
W/o.Arunachalam,  
Udayarpalayam Post and Tk.,  
Ariyalur Dist.
- Senthilkumar (died)
3. Umadevi  
W/o.Velmurugan,  
Thottikulam Village,  
Utkottai Post,  
Udayarpalayam tk.,  
Ariyalur Dist.
4. Suruppur Kuzhazhi  
W/o.Srinivasan,  
Velayutham Nagar,  
Udayarpalayam Post and tk.,  
Ariyalur Dist.



5. State of Bank of India  
Rep. by its Manager,  
Udayanatham Village,  
Udayarpalayam tk.,  
Ariyalur Dist.

6. Radhakrishnan  
s/o. Kaliyaperumal,  
Middle Street,  
Anaikundam Post,  
Udayarpalayam tk.,  
Ariyalur Dist.

..Respondent(s)

### **PRAYER**

Second Appeal filed under Sec.100 of C.P.C., praying to set aside the judgement and decree dated 20-08-2025 made in AS.No.7 of 2024 passed by the Principal District Judge, Ariyalur, partly confirming the judgement and decree dated 18-10-2023 made in IA.No.2 of 2021 in OS.No.116 of 2010, passed by the Sub Court, Jayankondam, Ariyalur Dist.

For Appellant(s): Mr.S.Senthilnathan

For Respondent(s): Mr.S.Muthukrishnan For R1  
Mr.S.Kamadevan For R2  
Mr.J.Abdul Hadi For R3 And R4

### **Judgment**

Challenging the final decree passed by the trial court in I.A.No.2 of 2021 in O.S.No.116 of 2010, the appellant/7<sup>th</sup> defendant preferred this Second Appeal. According to the appellant, shares allotted in the final decree proceedings is improper in nature.



2. Today when the matter taken up for hearing, this Court already suggested for settlement, at that time, the plaintiff, who is the 1<sup>st</sup> respondent herein raised objections stating that already sufficient property was given to her and she had sold some of the items, which was rightly considered by the Advocate Commissioner while suggesting division. It was also considered by the courts below while allotting shares. Therefore, the objections raised by the appellant as such is unsustainable one. Hence, he raised objections.

3. In respect of 2<sup>nd</sup> respondent, who mother of 1<sup>st</sup> respondent, learned counsel appeared. But, the learned counsel for respondents 3 and 4 have no objection with regard to division and allotment made in the final decree proceedings. The only objection with regard to unequal allotment of her share, the learned counsel pointed out that the 1<sup>st</sup> respondent allotted the entire extent of property in Survey No.295/3, which is very much adjacent to Chennai-Kumbakonam National Highways, in that property, no share was allotted to the appellant, who is the wife of Senthilkumar, brother of 1<sup>st</sup> respondent.

3. Admittedly, the said Senthilkumar suffered with kidney failure, for which she met out medical expenses, for that purpose, she was forced to sell some of the property along with her mother-in-law Dhanalakshmi, 2<sup>nd</sup> respondent. As on date, she is standing before the court objecting the division of property. Considering that, the valuable property exclusively allotted to the 1<sup>st</sup> respondent as well as sisters, which requires interference as it is not fair. No reason was assigned nor given share to this petitioner in that property, hence, it



requires interference. The suit was filed in the year 2010 and all the parties standing before the court. Therefore, this court is inclined to remit back the matter to the trial court only with regard to the fresh division of property as per the preliminary decree. Twelve weeks time is granted to the trial court to dispose of the said final decree proceedings by giving reference to this court. Accordingly, earlier finding is set aside and this Second Appeal is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**27-02-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

1. The Principal District Judge, Ariyalur.
2. The Sub-Judge, Jayankondam, Ariyalur.
3. The Section Officer, VR Section, Madras High Court.



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**T.V.THAMILSELVI J.**

**RPP**

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