



WEB COPY

SA No. 848 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 848 of 2025 & CMP.No.32749 of 2025

Shymala
D/o. D.Mangamma, No.205,
Govindappa Naicken Street, Parrys,
Chennai-600 001.

Appellant(s)

Vs

D. Mangamma
W/o. Late Sri Govindaswamy Naidu,
No.205, Govindappa Naicken Street,
Parrys, Chennai-600 001.

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgment and Decree passed by the Learned XX Additional District and Sessions Judge, City Civil court at Allikulam, Chennai in AS No.302 of 2024 dated 30.06.2025 confirming the Judgment and decree passed by the Learned XII Assistant City Civil Judge at Chennai Decree in OS No.3332 of 2018 dated 30.07.2024 and allow the Second Appeal.

For Appellant(s): Mr.T.Saravanan

For Respondent(s): Mr.M.L.Joseph
or M/s.Chennai Law Associates



JUDGMENT

Challenging the concurrent findings of the Courts below, the appellant/defendant, who is the daughter of the respondent /plaintiff had preferred the present Second Appeal.

2. The appellant and the respondent and their counsel are present. As per the Order of this Court passed on 02.01.2026, this Court found that there is no substantial question of law involved in this appeal and also found that the findings of the Courts below require no interference. Apart from that, possession has also been taken by the respondent/mother as per the decree and as on date, the appellant/plaintiff is not in possession of the property and she had handed over possession through Court proceedings.

3. At the time of hearing, the appellant appeared before this Court and submitted that she has no source of income and needs financial help from her mother. The learned counsel appearing for the respondent would submit that she is aged and her grandson, born to the appellant, is taking care of her. It is further submitted that the respondent had executed a settlement deed in respect of the suit property in favour of her another daughter and her grandson through settlement dated 23.03.2025 vide document No.702 of 2025.



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4. When the matter was taken up today, the appellant appeared before this Court and the grandson of the respondent, who is the son of the appellant, who is pursuing his MBA degree, was also present before this Court. The respondent submitted that her grandson is taking care of her and she had settled the suit property equally in favour of her another daughter and her grandson. The submissions of the respondent is recorded by this Court.

5. It is also submitted by the learned counsel appearing for the respondent, that there is another property in Secunderabad, which was purchased by the appellant and the respondent jointly vide sale deed dated 14.07.2004. The appellant submits that she need financial assistance, since she has no other source of income. But the respondent replied that already she had settled other properties in favour of the appellant and another daughter. So she is entitled to take her half portion in the said properties, in the manner known to law, The said submission made by the respondent is also recorded by this Court. At this stage, the learned counsel appearing for the appellant prays for refund of Court fee. Since, the appellant is represented by a legal aid counsel, the registry is directed to refund the court fee as per law.



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6. With the above observations, this Second Appeal is disposed of. The registry is directed to refund the Court fee to the appellant as per law. No costs. Consequently, connected miscellaneous petition is closed.

04-02-2026

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

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To,

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



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T.V.THAMILSELVI J.

VRC

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