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SA No. 229 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

SA No. 229 of 2026

1. Karunanidhi, S/o Thiruppathi,
Res at 55/42, East Street,
Anichampalayam Village and Post,
Paramathi, Velur Taluk.
2. Senthil Kumar, S/o Thiruppathi,
Res at 55/42, East Street,
Anichampalayam Village and Post,
Paramathi, Velur Taluk.

..Appellant(s)

Vs

1. Rajeswari, W/o Rajendran,
2. Devikarani, D/o Rajendran,
3. Mythili, D/o Rajendran,
4. Abirami, D/o Rajendran,
R1 to R4 are residing at Door No 134/103,
North Street, Velur, Paramathi Velur Taluk.
5. Shenbagam, W/o. Tirumurugao,
Melmadampatti, Pachanampatti Post,
Omalur Via, Salem Dist.

..Respondent(s)

Prayer: Second Appeal filed under Section 100 of CPC to set aside the decree and Judgment of the First Appellate Court, I Additional District Judge, Namakkal passed in AS No. 1 of 2024 dated 09.04.2025, and also set aside the decree and Judgment of the Trial Court, Sub Court, Paramathi Passed in OS No.204 of 2018 dated 18.04.2022 and thus allow this Appeal with costs.



For Appellant(s):

Mr. V.J.Arulraj

JUDGMENT

The unsuccessful plaintiffs are the appellants herein. The appellants/ plaintiffs filed a suit in O.S.No.204 of 2018 for declaration and permanent injunction and the same was dismissed by the Trial Court. The findings of the Trial Court were confirmed by the first appellate court in A.S.No.1 of 2024. Aggrieved by the concurrent findings of the courts below, the plaintiffs have come before this court.

2. According to the plaintiffs, the suit property and the properties on the eastern side of the suit properties were originally purchased by one Mayavan and his brother Saminathan's son Nedunchezian under two sale deeds dated 11.11.1983. The suit properties are situated in S.No.341/A in Idumbangulam Village and in S.No.352/1 in Idaiyar Melmugam Village. The total extent of the properties purchased under two sale deeds was 3.17 Acres. The extent of the property purchased in the name of Mayavan was 2 acres and the extent of the property purchased in the name of Nedunchezian was 1.17 acres. It is also stated that Mayavan has got two brothers namely Saminathan and Thiruppathy. The plaintiffs are the sons Thiruppathy. The above said Mayavan has got two sons namely, the first defendant and one Anbazhagan. The other brother Saminathan has got two sons namely Nedunchezian and Sampathkumar. After



the death of Mayavan, there was a family arrangements among the sons of above mentioned Mayavan, Thiruppathy and Saminathan in a Panchayat on 25.06.1992. At that point of time, the 2nd plaintiff was minor and hence, he was represented by the first plaintiff in the family arrangements. The suit property with an extent of one acre, which is situated at the western extremity was allotted to the share of the plaintiffs. On immediate eastern side of the suit property, in the middle portion, property with an extent of 1.17 acres was allotted to the share of the Saminathan's family. On the eastern extremity, one acre was allotted to Mayavan's son, the first defendant and his brother Anbazhagan. From the date of family arrangements onwards, the plaintiffs have been in possession and enjoyment of the suit property. The location of the suit property has been mentioned as 'P' in the plaint plan. The defendants violating the terms of Panchayat family arrangement, attempted to interfere with the peaceful possession and enjoyment of the suit property. Further, the first defendant had executed a settlement deed in the names of defendants 2 to 6. Since the said document created a cloud over the suit property, the plaintiffs were constrained to file a suit for declaration of title and permanent injunction.

3. The suit was resisted by the defendants by contending that in the family arrangement dated 25.06.1992, the property was not divided on east-west direction as claimed by the plaintiffs. However, It was stated that 1.25 acres in S.No.352/1 and 75 cents in S.No.341/A, totalling to 200 cents (2 acres)



of land was allotted to the first defendant and his brother Anbazhagan.

Subsequently, the first defendant purchased the share of Anbazhagan also on 19.06.2000. Accordingly, two acres of land, which was in possession of the first defendant has been settled by him in favour of the other defendants by settlement deed dated 23.03.2016. The defendants specifically disputed the plaint plan relied on by the plaintiff as it was not correct and hence, they sought for dismissal of the suit.

4. Before the Trial Court, on the side of the plaintiffs, the first plaintiff was examined as PW1 and 9 documents were marked as Ex.A1 to Ex.A9. On the side of the defendants, the deceased 3rd defendant was examined as DW1 and one Murugesan was examined as DW2. However, no document was marked on their side.

5. The Trial court, based on the evidence available on record, came to the conclusion that the plaintiffs failed to prove the allotment of one acre on the western side of the suit survey number in favour of the plaintiffs and dismissed the suit. Aggrieved by the findings of the Trial Court, the plaintiffs preferred an appeal in A.S.No.1 of 2024 on the file of I Additional District Court, Namakkal. The first appellate court dismissed the appeal and confirmed the findings of the Trial Court. Challenging the concurrent findings of the courts below, the plaintiffs have come before this court.



6. The learned counsel for the appellants would submit that the courts below failed to take into consideration the allotment of suit property in favour of the plaintiffs under panchayat family arrangement, marked as Ex.A3 and therefore, the judgments of the courts below are vitiated by non consideration of material evidence.

7. A close perusal of Ex.A3 filed in the additional typed set of papers would indicate that the survey numbers of the suit property are not mentioned in the Panchayat agreement. The properties dealt with under Ex.A3 are identified with its local name along with its extent. No where in the document, the suit survey numbers are mentioned. Further, the total extent of the property purchased under two sale deeds, referred by the appellants was 3 acres and 17 cents and they claimed that 1 acre on the western side was allotted to them. However, in Ex.A3, vast extent of land, including the lease hold lands were mentioned. But, there is nothing in Ex.A3 to arrive at the conclusion that lands in the suit survey numbers were divided in the panchayat as alleged by the plaintiffs.

8. It is pertinent to mention that the first plaintiff, who was examined as PW1 clearly admitted that the properties allotted to the share of the plaintiffs under Ex.A3 are not identified with survey numbers. The plaintiffs have not produced any evidence to connect the local name of the lands mentioned in



Ex.A3 with the suit survey numbers. In such circumstances, based on Ex.A3, the plaintiffs cannot establish the title and possession over the suit property.

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9. In Ex.A3, in one place, it was stated that the properties were partitioned in the presence of Mediators. In other place, it was stated that the parties to the document had agreed to partition the properties as mentioned in the schedule. Therefore, it is not clear whether under Ex.A3, properties were partitioned or agreed to be partitioned. In any event, as mentioned above, absolutely, there is nothing on record to connect the suit properties with the properties dealt with under Ex.A3. In such circumstances, both the courts below rightly came to the conclusion that the plaintiffs failed to establish their title over the suit property and gave a findings based on proper appreciation of evidence available on record. I do not find any question of law much less substantial question of law arising for consideration in the second appeal.

10. Accordingly, the second appeal stands dismissed, affirming the concurrent findings of the courts below. There shall be no order as to costs.

23-03-2026

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

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To

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1. The I Additional District Judge, Namakkal.
2. The Subordinate Judge, Paramathi.



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S.SOUNTHAR, J.

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