



SA No. 122 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 122 of 2026 & CMP.No.3514 of 2026

1. Elumalai
S/o Late Balarama Pillai, Res at
Vempoondi Village, Tindivanam Taluk.

2. Venkatesan
S/o. Elumalai Pillai Vempoondi Village
Tindivanam Taluk

Appellant(s)

Vs

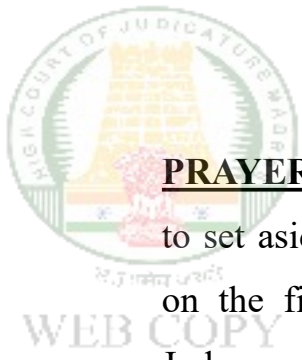
1. Ammaee @ Santhi
W/o Seenuvasan, Res at No 9, 1st Cross
Street, Engineers Colony, Velrampet,
Puducherry.

2. Anjalatchi
W/o. Ramesh Block No. 9, Thomas
Road Tyenampet, Chennai

3. Muthurani
W/o. Ramesh Block No. 2/31, South
Boke Road Thiyagaraya Nagar,
Chennai

4. Vengammal
W/o. Veeraragavan Veliyambakkam
Village Kodungalur Post Vandavasi
Taluk

Respondent(s)



PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgement and Decree dated 27.06.2025 in AS No.45 of 2022 on the file of the II Additional District Judge, Tindivanam confirming the Judgement and Decree dated 19.04.2022 in OS No.147 of 2014 on the file of the Principal Sub Ordinate Judge, Tindivanam pending disposal of the present Second Appeal.

For Appellant(s): Ms.R.Abirami

JUDGMENT

Challenging the concurrent findings of the Courts below, the defendants have preferred the present Second Appeal.

2. The first defendant is the father of the second defendant. The plaintiffs are sisters of the first defendant. The plaintiffs have filed a suit in O.S.No.147 of 2014 for partition claiming 3/5 share in the suit properties stating that the suit properties are ancestral properties and they are not self acquired properties of their father. The defendants contested the suit stating that the plaintiffs have no right to claim partition in the suit properties and they had already relinquished their right in the suit properties before their elders on 05.06.2000 and thereafter, the first defendant is in enjoyment of the suit properties and he had executed a settlement deed in favour his son, who is the second defendant herein.



3. On the basis of the pleading of both the parties, the trial Court had framed the following issues :

1. Whether the suit properties are joint family properties of Balarama Pillai?
2. Whether the family arrangement was created on 05.06.2000 in respect of the suit properties?
3. Whether the settlement deed dated 01.07.2013 executed by the first defendant in favour of the second defendant is binding on the plaintiffs?
4. Whether the plaintiffs are entitled for 3/5th share in the suit properties?
5. To what other relief?

Additional Issues :

1. Whether the suit barred under limitation?
2. Whether the rights of the plaintiffs are ousted due to the aversive possession of the first defendant in respect of the property?
4. During the course of trial, on the side of the plaintiffs, the first and third plaintiffs were examined as P.W.1 and P.W.2 and Ex.A1 to Ex.A.4 were marked. On the side of the defendants, D.W.1 to D.W.6 were examined and Ex.B.1 to Ex.B.6 were marked. Apart from that Ex.C.1 has been marked.



5. After conclusion of trial, a preliminary decree has been passed in the suit holding that the suit properties originally belonged to Balarama Pillai and it is not the separate property of the first defendant and that the suit properties were not allotted to the first defendant in the oral family arrangement made between the plaintiffs and the first defendant and that the plaintiffs have not relinquished their right in the suit properties and that the first defendant is not having any independent right over the suit properties and the first defendant has not proved adverse possession in the suit property based on the patta standing in his name and that plaintiffs are entitled to 3/5th share in the suit properties and passed a preliminary decree in the suit and further held that the settlement deed executed by the first defendant in favour of the second defendant in respect of the suit properties is null and void and not binding on the plaintiffs. As against which, the defendants have preferred an appeal and the first appellate Court, after analysing entire facts, framed separate points for consideration and held that the oral partition and the family arrangement and the relinquishment pleaded by the defendants have not been proved and the same is not acceptable one which require valid registration. Further more, the first appellate Court held that the documents produced on the side of the plaintiffs prove that the suit properties belonged to their father Balarama Pillia and the same has not been disputed by the first defendant and dismissed the appeal. Aggrieved over the same, the present Second Appeal has been filed.



6. The learned counsel appearing for the appellants would submit that the documents filed on the side of the defendants prove that all the revenue records stand in the name of the defendants and the Courts below failed to appreciate the same. He further submit that the courts below failed to consider that the plaintiffs cannot simultaneously claim that the properties are ancestral for one purpose and self acquired for another. It is their further contention that as the plaintiffs had already relinquished their share in the properties in favour of the first defendant, the findings of the Courts below have to be set aside.

7. The appellants claim right over the suit properties on the basis of the alleged relinquishment of the shares of the plaintiffs in favour of the first defendant. It is relevant to note that if any right is transferred, the same has to be done through valid registration. There is absolutely no proof to that effect and the defendants have not established through sufficient documents that the plaintiffs have already relinquished their right in favour of the first defendant. Hence, the Courts below have rightly come to the conclusion that the plaintiffs are entitled to 3/5 share in the property in the suit properties, which requires no interference.

8. It is the further submission of the learned counsel appearing for the appellants that the first appellant availed loan to improve the property and spent for the marriage of the plaintiffs. To that effect, the first defendant is at liberty



to submit his liabilities in the final decree proceedings and any such application is being filed on the behalf of the first defendant, the trial Court is directed to consider the same and pass appropriate Orders on merits and in accordance with law.

9. With the above observations, this Second Appeal is dismissed as there is no merits and findings of the Courts below are confirmed. No costs. Consequently, connected miscellaneous petition is closed.

12-02-2026

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

vrc

To,

1. The II Additional Judge,
Tindivanam.
2. The Principal Sub Court,
Tindivanam.
3. The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI, J.

VRC

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