



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

SA No. 298 of 2026 and

CMP No.10418 of 2026

1. Jayam, W/o Gnanasigamani,
Res at Mettu Theru,
Thembarai Village,
Mannargudi Taluk,
Tiruvarur District
2. Natarajan, S/o. Gnanasigamani,
Mettu Theru, Thembarai Village,
Mannargudi Taluk,
Tiruvarur District.
3. Raja, S/o. Gnanasigamani,
Mettu Theru, Thembarai Village,
Mannargudi Taluk, Tiruvarur District.

..Appellant(s)

Vs

Vanitha (Died),

1. Ganesan, S/o Venakatachalam,
Res at Ozhungai Mettu Theru,
Thembarai Village, Mannargudi Taluk,
Tiruvarur District
2. Varadharajan, S/o. Ganesan,
Ozhungai Mettu Theru,
Thembarai Village, Mannargudi Taluk,
Tiruvarur District.



3. Sathya, W/o. Jayapal,
No.3/104, South Street,
Manakkal Theru, Pattukottai Taluk,
Thanjavur District.
4. Muthukumar, S/o. Ganesan,
Ozhungai Mettu Theru,
Thembarai Village, Mannargudi Taluk,
Tiruvarur District.
5. Saravanan, S/o. Ganesan,
Ozhungai Mettu Theru,
Thembarai Village, Mannargudi Taluk,
Tiruvarur District.

..Respondent(s)

Prayer: Second Appeal filed under Section 100 of Code of Civil Procedure to set aside the Judgement and Decree passed in AS.26 of 2018 on the file of Subordinate Court, Mannargudi dated 03.04.2025, confirming the Judgement and Decree passed in OS.No.15 of 2016 on the file of District Munsif Mannargudi dated 16.04.2018.

For Appellant(s): Ms.P.Vidhya Shree
for Ms.P.T. Ramadevi

JUDGMENT

The unsuccessful defendants are the appellants herein.

2. The predecessor in interest of the respondents, namely, Vanitha filed a suit in O.S.No.15 of 2016 seeking declaration of title and recovery of possession of the suit property and the said suit was decreed by the Trial Court. The findings of the Trial Court were affirmed by the first appellate Court.

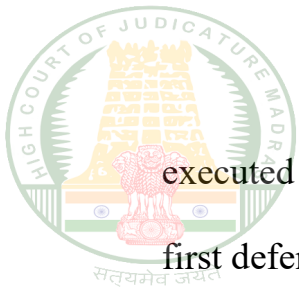


Aggrieved by the concurrent findings of the courts below, the defendants have filed the present second appeal.

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3. Initially, the deceased first respondent/plaintiff filed a suit for bare injunction and thereafter, the prayer was amended by including a prayer for declaration of title and recovery of possession on the ground that the defendants trespassed into the suit property, pending suit. It is the case of the deceased plaintiff that the suit property in survey No.326/4B1 with an extent of 0.12 cents was purchased by her from one Mahalingam, under sale deed dated 06.07.2015 and thereafter, the revenue records got mutated in her favour and she had been in possession and enjoyment of the same. The further case of the plaintiff is that the defendants attempted to purchase the suit property from the vendor of the plaintiff, however, it was refused by the vendor and he sold the suit property to the plaintiff. Aggrieved by the same, the defendants attempted to interfere with the possession of the plaintiff. Hence, the suit was filed by the plaintiff seeking bare injunction. Subsequently, plaint was amended and a plea was raised by the plaintiff that the defendants trespassed into the suit property pending suit and hence, the prayer was amended by including the prayer for declaration of title and recovery of possession.

4. The defendants filed a written statement and denied the title of the plaintiff's vendor Mahalingam. It was further pleaded by the defendants that the suit property belonged to their maternal grandmother Avaniammal and she



executed a Will dated 22.07.1997 bequeathing the suit property in favour of the first defendant's mother. It is further stated that taking advantage of the absence of patta in favour of the defendants in respect of 0.10 cents in the suit property, the present suit has been filed with false allegations. On these pleadings, the defendants sought for dismissal of the suit.

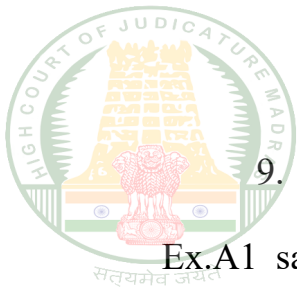
5. Before the Trial Court, the deceased plaintiff, namely Vanitha was examined as PW1 and on behalf of the plaintiff, 5 documents were marked as Ex.A1 to Ex.A5. On the side of the defendants, the 2nd defendant was examined as DW1 and two other witnesses were examined as DW2 and DW3 and 2 documents were marked as Ex.B1 and Ex.B2.

6. On appreciation of oral and documentary evidence available on records, the trial court came to the conclusion that the plaintiff proved her title over the suit property and granted decree for declaration of title and recovery of possession. Aggrieved by the same, the defendants preferred an appeal in A.S.No.26 of 2018 on the file of Subordinate Judge, Mannargudi. Pending first appeal, the sole plaintiff Vanitha died and her legal representatives were brought on record as respondents 2 to 7 in the first appeal. The first appellate court affirmed the findings of the trial court. Challenging the concurrent findings of the courts below, the defendants have come before this by way of filing the present second appeal.



7. The learned counsel for the appellant/defendants vehemently contended that though the title of the plaintiff's vendor namely, Mahalingam was disputed by the defendants, the plaintiff failed to establish the title of her vendor. In such circumstances, placing reliance on Ex.A1 to Ex.A5, the courts below ought not have granted a decree for declaration in favour of the plaintiff.

8. As per the plaint averments, the suit property was purchased by the deceased plaintiff Vanitha from one Mahalingam under a sale deed dated 06.07.2005. The said sale deed in favour of the deceased plaintiff has been marked as Ex.A1. The Patta issued to the plaintiff's vendor was annexed with Ex.A1 sale deed. Ex.A2 is the patta transfer order passed by the revenue authorities in favour of the plaintiff on 14.08.2015. Ex.A3 is the encumbrance certificate with regard to the suit property, in which, the sale in favour of the plaintiff is reflected. Ex.A4 and Ex.A5 are the chitta and adangal for the suit property, which are in the name of the plaintiff. By producing the revenue documents in the name of the plaintiff's vendor, the title of Mahalingam has been proved by the plaintiff by preponderance of probabilities. The defendants failed to lead any evidence to impeach either the revenue documents in the name of the plaintiff's vendor or the title document in the name of the plaintiff. Ex.B1 Will relied on by the defendants is not relating to the suit property and the same is relating to some other survey number. Therefore, the defendants failed to lead any evidence to impeach the documents produced by the plaintiff.



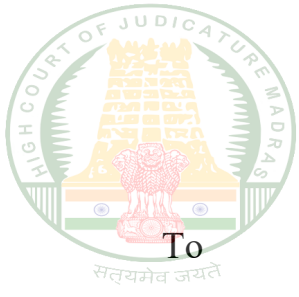
9. The courts below, taking into consideration the patta annexed with Ex.A1 sale deed in favour of the plaintiff, came to the conclusion that the plaintiff established the title of her vendor by preponderance of probabilities.

The patta transfer order Ex.A2 and also the revenue documents in favour of the plaintiff also established that after purchase, she exercised right over the suit property. Further, the first defendant was examined as DW1 and during his cross examination, he clearly deposed that he had no objection for selling the property of Mahalingam to the plaintiff. The courts below on appreciation of oral and documentary evidence available on record, rightly came to the conclusion that the plaintiff proved her title over the suit property and hence, entitled to recovery of possession. In the absence of any contra evidence, the defendants are not entitled to resist the suit filed by the plaintiff. I do not find any substantial question of law arising for consideration in the second appeal.

10. Accordingly, the second appeal stands dismissed, affirming the findings of the courts below. There shall be no order as to costs. Connected miscellaneous petition is closed.

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

08.06.2026



To

1. The Subordinate Judge, Mannargudi.
2. The District Munsif, Mannargudi.



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S.SOUNTHAR, J.

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