



S.A(MD)No.467 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 05.02.2026

DELIVERED ON : 10.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

S.A.(MD).No.467 of 2019

and

C.M.P.(MD)Nos.9428 and 9430 of 2019

- 1.Meenachi
- 2.Padmavathi
- 3.Rajalekshmi

: Appellants/Respondents 1 to 3/
Plaintiffs

(A.2 is declared as major
and discharged the first appellant
from the guardianship, vide Court
order dated 03.10.2019 made in
C.M.P.No.9016 of 2019 in
S.A.SR No.53135 of 2019)

(Minor third appellant is declared as major
and the guardianship of her mother
first appellant Meenachi is discharged
vide common order dated 12.12.2025 made
in C.M.P.(MD)Nos.17950 and 17952 of
2025)

Vs.

- 1.Rajalekshmi

... 1st Respondent/Appellant/
1st Defendant



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2.Packialekshmi

: 2nd Respondent/4th Respondent/
2nd Defendant

3.L.Nallaperumal
(R.3 is impleaded vide Court order
dated 24.02.2021 made in C.M.P.(MD)
No.1126 of 2020)

: 3rd Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.74 of 2014, dated 01.04.2019, on the file of the Principal District Judge, Kanniyakumari reversing the judgment and decree passed in O.S.NO.74 of 2007, dated 19.07.2018, on the file of the Principal Sub Court, Nagercoil.

For Appellants : Mr.G.Ramanathan

For Respondents : Mr.S.Palanivelayutham
for R.1

: Mr.M.P.Senthil
for Mr.R.Murugan
for R.3

: No Appearance for R.2

JUDGMENT

The Second Appeal is directed against the judgment and decree made in A.S.No.74 of 2014, dated 01.04.2019, on the file of the Principal District Court, Kanniyakumari District at Nagercoil, reversing the judgment and decree passed



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in O.S.No.74 of 2007, dated 19.07.2010, on the file of the Principal Subordinate Court, Nagercoil.

2. The appellants are the plaintiffs and they filed a suit in O.S.NO.74 of 2007, before the Subordinate Court, Nagercoil, claiming partition and allotment of 3/12 shares in the suit properties and for permanent injunction restraining the defendants and their men from alienating or encumbering the suit properties.

3. For the sake of convenience and brevity, the parties will hereinafter be referred as per their status/ranking in their original suit.

4. The case of the plaintiffs, in brief, is as follows:

(a) The first plaintiff is the mother of the plaintiffs 2 and 3. The first defendant is the mother of the first plaintiff's deceased husband – Chithambara Kumar, who died on 25.04.2007 leaving behind the plaintiffs and the first defendant as his legal heirs. The suit schedule items 1 and 2 properties belonged to the first defendant's deceased mother Seetha Bai and the suit schedule items 3 and 4 belonged to the first defendant's deceased father Thiraviyam Pillai @ Maraya Kutty Pillai. The said Seetha Bai and her husband Thiraviyam Pillai @



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Maraya Kutty Pillai died on 18.06.1989 and 05.09.1999 respectively leaving behind two daughters namely Tmt.Rajalekshmi – first defendant and one Nageshwari.

(b) As per the family arrangement, the properties were allotted to the first plaintiff's deceased husband Chithambara Kumar and the defendants. The said Chithambara Kumar and the defendants were in joint possession and enjoyment of the suit properties. Since the suit properties are the family and ancestral properties of the said Chithambara Kumar and the defendants, they entered into a written family arrangement deed on 30.04.2001, whereunder all of them agreed to partition the properties into three equal shares and also agreed to get the document registered, after the marriage of the second defendant.

(c) Even though the second defendant's marriage was held in the year 2002 and the first plaintiff's husband spent more than Rs.2,00,000/- for the said marriage, the defendants 1 and 2 were dragging on, for effecting partition. Hence, the first plaintiff's husband sent a legal notice on 23.11.2006 demanding partition and separate possession of his 1/3 share over the suit properties. But the notices were returned as door locked.



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(d) The first plaintiff's husband executed a General Power of Attorney deed dated 08.12.2006 vide document No.280 of 2006 of Edalakudy Sub Registrar's office with regard to the third item of the suit properties. Subsequently, the first plaintiff's husband died on 25.04.2007, leaving behind the plaintiffs. As per the provisions of the Hindu Succession Act, the plaintiffs and the first defendant are each entitled to 1/4 share of 1/3 share of the suit properties and as such, the plaintiffs are entitled to 3/12 shares over the suit properties. Hence, the above suit.

5. The defence of the defendants, in brief, is as follows:

The suit properties are not the ancestral or joint family properties. No family arrangements were entered into and no such agreement for partition of the properties into three equal shares took place. The alleged family arrangement deed is a created and forged one. The Power of Attorney deed was executed by the first plaintiff's husband in order to release all his rights, if any over the family properties. The second defendant had paid Rs.2,63,000/- to the first plaintiff's husband to clear the debts due by him. The first defendant or her husband did not attend the funeral function or subsequent ceremonies of the first plaintiff's husband and hence, the question of any promise to do partition did not arise. The first plaintiff's husband had no right over any of the properties of the defendants



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or the first defendant's husband. The plaintiffs have purposely suppressed the house plot situated in Raviputhoor wherein the plaintiffs reside. There is no cause of action for the suit. Hence, the suit is liable to be dismissed.

6. The learned trial Judge, upon considering the pleadings of both parties, framed the following issues:

(i) Whether the plaintiffs are jointly entitled to 3/12 share in the suit properties?

(ii) Whether the plaintiffs are entitled for the relief of partition as prayed for?

(iii) Whether the plaintiffs are entitled for the relief of permanent injunction as sought for in the suit?

(iv) To what relief the plaintiffs are entitled to?

7. During trial, the plaintiffs examined the first plaintiff as P.W.1 and her husband Raman as P.W.2 and exhibited seven document as Exs.A.1 to A.7. The second defendant examined her husband Perumal Pillai @ Nagarajan as D.W.1 and adduced no documentary evidence. The first defendant had remained exparte. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both sides, passed the



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judgment and decree dated 19.07.2010, granting the reliefs of partition and permanent injunction as sought for. Aggrieved by the said judgment and decree, the first defendant preferred an appeal in A.S.No.74 of 2014 and the learned Principal District Judge, Kanniyakumari at Nagercoil upon considering the materials available on record and on hearing the arguments of both sides, passed the impugned judgment and decree, dated 01.04.2019 allowing the appeal and thereby setting aside the judgment and decree of the trial Court and consequently dismissed the suit. Challenging the judgment and decree of the first appellate Court, the plaintiffs have preferred the present Second Appeal.

8. At the time of admission, the following Substantial Questions of Law came to be formulated:

“i. Whether the First Appellate Court is right in holding that the properties are individual properties of the first respondent despite the fact that the first respondent and her son and daughter jointly executed the sale deed No.2438, dated 26.11.2001 following Ex.A.2 with respect to second schedule of property?

ii. Whether the appellants are entitled to get maintenance under Section 19 of the “The Hindu Adoptions and Maintenance Act, 1956”, from the pensionary benefits of father in law as well as from the joint family properties?



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iii. Whether the findings of the First Appellate Court with respect to admissibility of A.2 is correct?”

C.M.P.(MD)No.9430 of 2019:

9. The appellants filed an application under Order 41 Rule 27 C.P.C., for reception of additional evidence.

10. The case advanced by the petitioners/appellants in the affidavit filed in support of the above petition is that they have produced a document bearing Registration No.2483, dated 26.11.2001 and through the said document, the first plaintiff's husband along with the defendants sold the second item of the suit properties, that they have stated in the said document that the property was enjoyed jointly as joint family property and the same was executed on the basis of the family settlement deed under Ex.A.2, that the plaintiffs could not file the said document before the Courts below and that the above document is very much essential to prove that subsequent to the execution of Ex.A.2 family arrangement, the properties were treated as joint family properties and that the petitioners will be put to irreparable loss and hardship, if the document is not received.



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11. The third respondent filed a counter affidavit denying the petitioners' affidavit averments and further stated that the above petition for production of additional evidence was filed only to drag on the proceedings and it has no nexus to the issue involved in the appeal suit, that there are no specific pleadings regarding the nature of the property mentioned in the document sought to be received, that the petitioners have not demonstrated any due diligence or necessity for production of the said document, that the above application is a device to patch up omissions and reconcile inconsistencies in the petitioners' case, which cannot be permitted, that the above petition has been filed only to fill up the lacuna left in the petitioners' case and that therefore, the petition is liable to be dismissed.

12. Under Rule 27 of Order XLI C.P.C., production of additional evidence, whether oral or documentary is permitted only under three circumstances which are;

-Where (i) the trial Court had refused to admit the evidence, though it ought to have been admitted; (ii) the evidence was not available to the party, despite exercise of due diligence and (iii) the appellate Court requires the additional evidence so as to enable it to pronouncement judgment or for any other substantial cause of like nature.



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13. It is settled law that additional evidence in appellate Court cannot be produced by a party as of right and that the essentials of Order 41 Rule 27 C.P.C., have to be satisfied. It is pertinent to note that the said provision cannot be used to patch up the weak points in the case and fill up the omission in the Court of appeal.

14. In the present case, the petitioners have produced a copy of the sale deed dated 26.11.2001 alleged to have been executed by the defendants and the first plaintiff's husband. As already pointed out, in the affidavit filed in support of the petition, the petitioners have nowhere whispered as to why the said document was not produced before the trial Court or before the first appellate Court. It is not their case that though they have produced the said document, but the Courts below have refused to admit the same.

15. As rightly contended by the learned counsel for the third respondent, it is not the case of the petitioners that they were unaware of the existence of the document in question or that, despite exercising due diligence, they were unable to produce the same at the appropriate stage. Further, the petitioners have not demonstrated that the said document is necessary to enable this Court to



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pronounce judgment, nor have they established that it is required for any other substantial cause of a similar nature. In the absence of the petitioners satisfying the conditions stipulated for reception of additional evidence under Order XLI Rule 27 C.P.C., the document cannot be received at this stage. Accordingly, this Court holds that the petition is devoid of merits and is liable to be dismissed.

16. As already pointed out, it is the specific case of the plaintiffs that the suit properties are the ancestral joint family properties of the first plaintiff's husband and the defendants. However, it is admitted by both parties that the suit items 1 and 2 of the suit properties originally belonged to the first defendant's mother, Seetha Bai and that items 3 and 4 of the suit properties belonged to the first defendant's father, Thiraviyam Pillai @ Maraya Kutty Pillai. It is also not in dispute that Seetha Bai had two daughters, namely the first defendant – Rajalekshmi and Nageswari and that the suit properties were inherited by the first defendant from her parents.

17. Under Sections 8 and 15 of the Hindu Succession Act, the property inherited by a female Hindu becomes her absolute property and such property does not automatically assume the character of the joint family property. The Hon'ble Supreme Court has consistently held that inheritance by a family does



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not create coparcenary or joint family property unless there is clear and cogent evidence of blending. In the case on hand, there is absolutely no material evidence to establish that the first defendant treated the properties as joint family properties. Considering the above, the finding of the first appellate Court on this aspect does not warrant any interference.

18. The main stand of the plaintiffs is that the family arrangement was entered into on 30.04.2001 between the defendants and the first plaintiff's husband under Ex.A.2 and in pursuance of the said family arrangement, all the three had sold the second item of the suit properties to one Kumar by virtue of a sale deed dated 26.11.2001. The defence of the defendants is that there was no such family arrangement entered into between the parties and that the alleged family arrangement deed under Ex.A.2 is a created and forged document and that the said document being unregistered and unstamped is legally inadmissible in evidence.

19. The learned counsel for the plaintiffs would submit that the family arrangement under Ex.A.2 was entered into among close relatives, namely, the mother, son, and daughters. It is further contended that, under the said document, the properties were not divided by metes and bounds, but only a declaration was



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made to the effect that each of them is entitled to a 1/3 share. Hence, according to the learned counsel, Ex.A.2 does not require compulsory registration. On that basis, it is contended that, under Ex.A.2, the first plaintiff's husband and defendants 1 and 2 each became entitled to a 1/3 share in the suit properties and, upon the death of Chithambara Kumar, his rights devolved upon the plaintiffs.

20. The learned Counsel would rely on a decision of the Hon'ble Supreme Court in *Thulasidhara and another Vs. Narayanappa and others* reported in **2019(6) SCC 409** and the relevant paragraphs are extracted hereunder:

“9.3 Now so far as the finding recorded by the High Court that as the Partition Deed dated 23.04.1971 (Exhibit D4) was unregistered though required registration under the Provisions of the Registration Act and therefore the same is not admissible in evidence is concerned, it is required to be noted that as such Exhibit D4 can be said to be a Palupatti as has been described as Palupatti. Palupatti means list of properties partitioned. At the most, it can be said to be a family arrangement. Therefore, in the facts and circumstances of the case, the same was not required to be registered.

9.5 As held by this Court in the case of [Subraya M.N.](#) (Supra) even without registration a written document of family settlement/family arrangement can be used as corroborative evidence as explaining the arrangement made thereunder and conduct of the parties. In the present case, as observed hereinabove, even the plaintiff has also



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categorically admitted that the oral partition had taken place on 23.04.1971 and he also admitted that 3 to 4 punchayat people were also present.

However, according to him, the same was not reduced in writing. Therefore, even accepting the case of plaintiff that there was an oral partition on 23.04.1971, the document Exhibit D4 dated 23.04.1971, to which he is also the signatory and all other family members are signatory, can be said to be a list of properties partitioned. Everybody got right/share as per the oral partition/partition. Therefore, the same even can be used as corroborative evidence as explaining the arrangement made thereunder and conduct of the parties. Therefore, in the facts and circumstances of the case, the High Court has committed a grave/manifest error in not looking into and/or not considering the document Exhibit D4 dated 23.04.1971.”

21. He would also rely on a decision of the Hon'ble Supreme Court in ***Ravinder Kaur Grewal and Others Vs. Manjit Kaur and Others*** in ***Civil Appeal No.7764 of 2014*** reported in ***AIR 2019 SC 3827*** and the relevant portion is extracted hereunder:

“19. Considering the above, we have no hesitation in concluding that the High Court committed manifest error in interfering with and in particular reversing the well considered decision of the first appellate Court, which had justly concluded that document dated 10.3.1988 executed between the parties was merely a memorandum



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of settlement, and it did not require registration. It must follow that the relief claimed by the plaintiff in the suit, as granted by the first appellate Court ought not to have been interfered with by the High Court and more so, in a casual manner, as adverted to earlier.”

22. As rightly pointed out by the learned Counsel for the defendants, in ***Thulasidhar's case***, referred above, all the family members had entered into a list of properties that were partitioned, which was treated as a family arrangement and on that basis, it was held that the document does not require registration. Similarly in ***Ravinder Kaur Grewal's case***, the parties had entered into a memorandum of settlement recording a past transaction and hence, it was held that the same did not require registration.

23. The learned Counsel for the third respondent would rely upon a decision of the Division Bench of this Court in ***A.S.Lakshmipathy and another Vs. A.M.Chakrapani Reddiar and five others*** reported in ***2001(1) CTC 112***, wherein this Court had elaborately dealt with the scope of family arrangement relating to immovable properties and the circumstances under which such arrangements requires registration and the relevant paragraph is extracted hereunder:



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“29. The next question is how a family arrangement can be effected and what are the aspects to be considered or noted in testing the validity and binding nature of a family arrangement. The family arrangement can even be made orally and in which obviously the question of registration does not arise. What is required to be seen is whether the family settlement is a bona fide one so as to resolve family disputes and rival claims at a fair and equitable decision or allotment of properties between the various members of the family. Similarly, the family arrangement should not be result of any fraud or undue influence etc. played on the member/members of the family. In other words such a family arrangement must be voluntary and entered into by the parties on their own accord and free will. It is only when the family arrangement reduced into writing with the purpose of using that writing as proof of what they had arranged and where the arrangement is brought about by the document as such, that the document requires registration, then it would amount to a document of title declaring for future what rights and what properties the parties to possess.”

24. The Division Bench after considering the various decisions has summed up the legal position and the same is extracted below:

“42. To sum up the legal position

(I) A family arrangement can be made orally.

(II) If made orally, there being no document, no question of registration arises.



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(III) If the family arrangement is reduced to writing and it purports to create, declare, assign, limit or extinguish any right, title or interest of any immovable property, it must be properly stamped and duly registered as per the Indian Stamp Act and Indian Registration Act.

(IV) Whether the terms have been reduced to the form of a document is a question of fact in each case to be determined upon a consideration of the nature of phraseology of the writing and the circumstances in which and the purpose with which it was written.

(V) However, a document in the nature of a Memorandum, evidencing a family arrangement already entered into and had been prepared as a record of what had been agreed upon, in order that there are no hazy notions in future, it need not be stamped or registered.

(VI) Only when the parties reduce the family arrangement in writing with the purpose of using that writing as proof of what they had arranged and, where the arrangement is brought about by the document as such, that the document would require registration as it is then that it would be a document of title declaring for future what rights in what properties the parties possess.

(VII) If the family arrangement is stamped but not registered, it can be looked into for collateral purposes.

(VIII) Whether the purpose is a collateral purpose, is a question of fact depends upon facts and circumstances of each case. A person can not claim a right or title to a property under the said document, which is being looked into only for collateral purposes.



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(IX) A family arrangement which is not stamped and not registered cannot be looked into for any purpose in view of the specific bar in Section 35 of the Indian Stamp Act”

25. At this juncture, it is necessary to refer the recitals of Ex.A.2 family arrangement.

“..... நம் பிற்கால வாழ்க்கை நலன் உதூதசித்து நம் குடும்பத்தார்கள் ஁யாசனைப்படியும் நம் கூட்டு ஁யாசனைப்படியும் நமக்கு பொதுவாக அவகாசப்பட்டதான தேன் தபசில் சொத்துக்களைஇ நம்மில் 1 – ம் நபரும்இ 2 – ம் நபரும் மனப்பூர்வமாக சம்மதித்து நாம் முன்று ஁பரும் சரி சமமாக ப்டு வைத்துக்கொள்ளலாம் என்று சம்மதித்து முடிவு செய்து வீதம் (ப்டு) ஒதுக்கப்பட்டது. நம்மில் 3ம் நபர் பாக்கியலெட்சுமியின் திருமணம் முடிந்த பிறகு முறையாக சப்ரஜிதர் அலுவலகம் முலம் பதிவு செய்து கொள்ளலாம் என்று சம்மதிக்கப்பட்டு முடிவு செய்யப்பட்டது.”

26. On a careful consideration of the recitals, it is clearly evident that the document in question is not a mere memorandum recording a past family arrangement, but an instrument, which itself, purports to effect division and allotment of portions of immovable properties among the parties and thereby creates and declares rights. Hence the document attracts compulsory registration



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under Section 17 of the Registration Act and is also chargeable with stamp duty under the Indian Stamp Act. Admittedly, Ex.A.2 document is both unregistered and insufficiently stamped.

27. Insofar as the defect relating to the stamp duty is concerned, in view of Sections 33 and 35 of the Indian Stamp Act, the document cannot be admitted in evidence for any purpose, unless the requisite stamp duty, together with penalty, is paid and the document is duly impounded. Even assuming that the said defect is subsequently cured, the document, being one that is compulsorily registerable, but not registered, is hit by Section 49 of the Registration Act and is therefore, inadmissible in evidence for the purpose of proving title, partition, or creation of rights in immovable property. At the most, the document can be looked into only for collateral purpose, such as the nature of possession or the conduct of the parties, but not as the foundation of any right.

28. As already pointed out, the defendants have also disputed the genuineness of Ex.A.2 – family arrangement. In an attempt to prove the said document, the plaintiffs have examined the first plaintiff's husband – Raman as P.W.2, one of the witnesses to Ex.A.2 document. But P.W.2 would only depose that he was not aware of any such family arrangement. The relevant portion is



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extracted hereunder:

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..... தாவா சொத்துக்கள் எத்தனை அயிட்டிகளாக உள்ளது என்று எனக்குத் தெரியாது. அந்த சொத்துக்களை ஏற்கெனவே யார் யாருக்கு சொந்தமாக நேந்தது எனவும் எனக்குத் தெரியாது. தாவா சொத்து சம்பந்தப்பட்ட ஆவணங்களை நான் பார்க்கவில்லை. குடும்ப ஏற்பாடு பற்றி எனக்கு நேரடியாகத் தெரியாது. தாவா சொத்தின் எந்த சொத்து பூர்வீக சொத்து என்பது எனக்குத் தெரியாது. ... பட்டிகை 3ம் அயிட்டி சொத்து சம்பந்தமாக ஏதாவது பத்திரம் ஏற்பட்டுள்ளதா என்று தெரியாது.””

More importantly, P.W.2 would say, “எ2 பத்திரம் பற்றி எனக்குத் தெரியாது.”

29. Except for P.W.2, the plaintiffs have not examined any other witness to prove the alleged Ex.A.2 family arrangement deed. Moreover, the evidence of P.W.2, instead of advancing the case of the plaintiffs, clearly militates against their plea of family arrangement. In view of the above, as rightly observed by the learned first appellate Judge, Ex.A.2 family arrangement cannot be relied upon either to establish the alleged family arrangement or to confer any right in respect of the suit properties and the plaintiffs have miserably failed to discharge the burden cast upon them to prove the same.



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30. Now turning to the contention of the plaintiffs that since Ex.A.2 family arrangement was acted upon, the defendants along with the first plaintiff's husband had executed a sale deed dated 26.11.2001. As already pointed out, a petition to receive the copy of the said sale deed dated 26.11.2001 has already been dismissed by this Court. Even assuming for arguments sake, the sale deed is admitted in evidence, as rightly pointed out by the learned Counsel for the defendants, there is no reference to Ex.A.2 family arrangement in the sale deed and there is no recital that the sale deed was in pursuance of the family arrangement between the vendors.

31. The learned Counsel for the third defendant would rely on a decision of this Court in ***Ekambaram Vs. Jayalakshmi and others*** reported in **2019 CDJ MHC 3722**, wherein it was observed as follows:

“10.The argument has also been putforth that in respect of the properties standing in the name of Mannathan and which had been sold, all the brothers had joined in the execution of the sale deed. As held by the Courts below, merely because, the four brothers had joined in the sale of the abovesaid items that would not lead to inference that the properties standing in the name of Mannathan are only the joint family properties. Mere joining of the party in the execution of the sale deed or mortgage does not creat any right for such a person and such inclusion might be at the instance of the



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purchasers or the mortgagee. Therefore, it is found that the abovesaid position of law has been rightly appreciated and followed by the Courts below and in such view of the matter, the Courts below are found to be totally justified in holding that the items 9,20 and 21 of the plaint schedule properties are not the joint family properties and they are the separate and independent properties of Mannathan and hence, they are not liable for partition as claimed by the plaintiff.”

32. As rightly pointed by the learned Counsel for the third respondent, any recital in the said sale deed that it was a joint family property by itself is not conclusive proof to come to the conclusion that the character of the property is ancestral property or joint family property.

33. It is pertinent to mention that the third respondent referred above was not a party to the suit or to the first appeal. Pending Second Appeal, the appellants filed a petition to implead the third respondent as a subsequent purchaser of the first item of the suit properties from the first defendant. But it is evident from the records, as rightly pointed out by the learned Counsel for the third respondent, the first defendant sold the first item of the suit properties to one Kumaran @ Nainar Kumar, son of Nainar by virtue of a registered sale deed dated 20.12.2004, who in turn sold the said property in favour of the third



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respondent under a registered sale deed dated 05.09.2005. Though the above sales were prior to the filing of the suit, the plaintiffs have not chosen to implead the purchaser from the first defendant viz., Kumaran @ Nainar Kumar or the subsequent purchaser – third respondent herein.

34. This Court, while allowing the impleadment of the third respondent, has observed that any right that had accrued to the proposed party shall stand protected and that he was impleaded for the limited purpose of putting him on notice of the litigation and to enable him to defend the suit and protect his interest. In view of the above conclusion reached by this Court, no further adjudication is required with regard to the said purchaser in this appeal.

35. Considering the evidence available on record and taking note of the settled legal position, the learned first appellate Judge has rightly held that the suit properties are the absolute properties of the first defendant, that the alleged family arrangement is inadmissible and has not been proved; and that the plaintiffs have failed to establish any legal right to claim partition and that therefore, the dismissal of the suit cannot be found fault with. As rightly contended by the learned Counsel for the defendants and the third respondent, there are neither pleadings nor evidence nor findings of the Courts below in



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respect of the second Substantial Question of Law and therefore, the same does not arise for consideration. Accordingly, the Substantial Questions of Law 1 and 2 answered. Consequently, this Court concludes that the Second Appeal is liable to be dismissed. Considering the other facts and circumstances, the parties are to be directed to bear their own costs.

36. In the result, the Second Appeal is dismissed, confirming the judgment and decree made in A.S.No.74 of 2014, dated 01.04.2019, on the file of the Principal District Court, Kanniyakumari District at Nagercoil, reversing the judgment and decree passed in O.S.No.74 of 2007, dated 19.07.2010, on the file of the Principal Subordinate Court, Nagercoil. The Civil Miscellaneous Petition in C.M.P(MD)No.9430 of 2019 is dismissed. The connected Civil Miscellaneous Petition is also dismissed. The parties are directed to bear their own costs.

10.04.2026

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To:

1. The Principal District Court, Kanniyakumari District at Nagercoil
2. The Principal Subordinate Court, Nagercoil.

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S.A(MD)No.467 of 2019

3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A(MD)No.467 of 2019

K.MURALI SHANKAR,J.

SSL

**PRE-DELIVERY JUDGMENT MADE IN
S.A.(MD).No.467 of 2019**

10.04.2026