



A.S.(MD)No.44 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**A.S.(MD)No.44 of 2018
and
C.M.P.(MD)No.2273 of 2018
and
C.M.P.(MD)No.13533 of 2024**

- 1.Arappan (Died)
- 2.Sarasu
- 3.Kumar
- 4.Anandakumar
- 5.Ravi
- 6.Raja
- 7.Tamil Selvi

... Appellants

(Appellants 2 to 7 are brought on record as LR's of the deceased sole appellant vide common order dated 17.03.2025 made in C.M.P.(MD)Nos.4631, 4634, 4636, 4637 & 4638 of 2025 in A.S.(MD)No.44 of 2018 respectively by GRSJ & MJRJ).

Vs.

- 1.M.Athammal (Died),
Rep by her Special Power Agent,
Pappathi.



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- 2.M.Pappathi
- 3.T.Ragunathan
- 4.T.Ramesh
- 5.S.Bhuvaneswari
- 6.T.Saravanan
- 7.T.Lakshmi
- 8.Malarmathi
- 9.Parvathi
- 10.Velkumar
- 11.Kamala
- 12.Renganayaki
- 13.Amuthavalli
- 14.Yasotha
- 15.C.Nagaraj
- 16.Ponnammal
- 17.Nallammal
- 18.Amsavalli
- 19.Ananthakrishnan
- 20.Rajalakshmi
- 21.Ayyapillai @ Kannammal
- 22.Chinnappan
- 23.Pappathi
- 24.Ramasamy
- 25.A.Sigamani
- 26.Murugesan



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27.Thangavel

28.Nataraj

29.Lakshmi

30.Sarala Amulraj

31.Saraswathi

32.Chinnammal

33.S. Anbukkennadi

Shanmugam (Died)

34.Manimegalai

35.Jeevitha

Karthika (Died)

36. Rathnamoorthi

... Respondents

(Respondents 33 to 36 are brought on record as LR's of the deceased 1st respondent vide common order dated 17.03.2025 made in C.M.P.(MD)Nos.4631, 4634, 4636, 4637 and 4638 of 2025 in A.S.(MD)No.44 of 2018 respectively by GRSJ and MJRJ.)

Prayer : Appeal Suit filed under Section 96 of Civil Procedure Code, to allow this appeal by setting aside the judgment and decree dated 31.10.2017 made in O.S.No.6 of 2011 on the file of the Fast Track Mahila Court, Dindigul.

For Appellants : Mr.M.Suresh

For Respondents : Mr.A.N.Ramanathan for R25 & R31
Mr.M.Divakaran for R2, R33, R35 & R36



JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

The ninth defendant in O.S No. 6 of 2011 on the file of Fast Track Mahila Court, Dindigul filed this appeal. The suit was one for partition. During the pendency of the appeal, the original appellant passed away and his legal heirs were brought on record.

2.The suit property comprises 18 schedules. Schedules 1 to 16 were the self-acquired properties of one Muthappan @ Karuppan. He married one Chinnammal. Through the wedlock, three sons (Thirumoorthy, Arappan and Chinna Thambi) and two daughters (Athammal and Pappathi) were born. Muthappan @ Karuppan died on 05.01.1993. He died interstate. Subsequently, Chinnammal also passed away on 27.06.1999. She also died intestate. Since the daughters were not allotted any share in the property, they filed O.S No.6 of 2011 claiming 2/5th share in suit schedules 1 to 16. Schedules 17 and 18 were the joint family properties of Muthappan @ Karuppan and his siblings. The other defendants belonged to the other two branches. In respect of schedules 17 and 18, the plaintiffs sought 2/15th share.



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3.The original appellant in his written statement pleaded ouster.

However, during the course of his evidence, he conceded that the property is a joint family property and that all the children of Muthappan @ Karuppan were in joint enjoyment. In other words, the plea of ouster was not pressed.

4.The second plaintiff / Pappathi examined herself as P.W.1 and marked Exs.A1 to A6. On the side of the defendants, the original appellant / Arappan examined himself as D.W.1 and two other witnesses were examined as D.W.2 and D.W.3 and Exs.B1 to B6 were marked. After considering the evidence on record, the Court below vide judgment and decree dated 31.10.2017 granted 2/5th share in schedules 1 to 16 and 2/15th share in schedules 17 and 18 in favour of the plaintiffs. Questioning the same, this appeal has been filed.

5.After hearing the learned counsel on either side, we are of the view that there is no merit in this appeal. The relationship between the parties is not in dispute. That the persons from whom right is claimed died intestate is also not in dispute. The plea of ouster was not pressed. It



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was also conceded that the parties were in joint enjoyment. In these circumstances, the parties are entitled to a share in the suit schedule properties as per law. The court below had passed preliminary decree only to that effect. No ground has been made out to interfere with the well considered judgement of the court below. This appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.P. J.)
16.04.2026

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

The Fast Track Mahila Court,
Dindigul.

Copy to:

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



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G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

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