



SA No. 40 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 40 of 2020 and CMP No. 901 of 2020

Balaji
S/o. Narayanasamy,
Bodinaickenpalayam Village,
Chettikuppam Post, Gudiyattam Tk,
Vellore Dist.

Appellant(s)

Vs

1. G.Murali
S/o. Govindasamy, Resi At
Kakkathoppu Village, Chettikuppam
Post, Gudiyattam Tk, Vellore Dist.

2.G.Vijayakumar
S/o. Govindasamy, Resi At
Kakkathoppu Village, Chettikuppam
Post, Gudiyattam Tk, Vellore Dist.

3.GOVINDASAMY
S/o.Dharmaia Naidu, Resi At
Kakkathoppu Village, Chettikuppam
Post, Gudiyattam Tk, Vellore Dist.

4.RAJENDRAN
S/o. Gopal, Bodinaickenpalayam
Village, Chettikuppam Post,
Gudiyattam Tk, Vellore Dist.

Respondent(s)



PRAYER

To Set Aside the Decree and Judgement made in AS No.8 of 2016 on the file of The Subordinate Judge, Gudiyattam, Vellore District, dated 25.11.2019 confirming the Decree and Judgement made in OS No.90 of 2007 on the file of The District Munsif, Gudiyattam, Vellore District, dated 29.04.2016.

For Appellant(s): K.A.Ravindran
K.a.soundararajan
R.gowsic Sundar

For Respondent(s): M/s.K.Govi Ganesan
A.S.Sriram
P.E.Senthil Kumar For Rr1 and 2
Rr3 And 4 Given Up
Pvt Notice

ORDER

Admit.

2.Heard both sides.

3.Challenging the concurrent findings of the Courts below, the 2nd defendant has preferred this appeal.

4. The appeal has been admitted on the following substantial questions of law.

1) Whether the Courts below are right in decreeing the 1st item of the suit properties, when the plaintiffs' father -1st defendant/1st respondent herein has sold the said properties under



Ex.A3 on 19.10.2005 to discharge mortgage and the loan which was borrowed as a Karta of the Joint Family including the Minors (Plaintiffs)?

(2) Whether the Courts below are right in decreeing the Partition of 1st item of the suit properties, which was sold in the year 2005 prior to waiver notification while it was issued in the year 2006 and the waiver does not affect the concluded sale?

5. The Registry is directed to call for the entire records from the Courts below concerned.

6. Post the matter on 23.01.2026 for appearance of both parties.

11-12-2025

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



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T.V.THAMILSELVI J.,

Lbm

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