



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

AS No. 915 of 2012 & AS NO. 916 of 2012

&

C.M.P.Nos.8534 of 2023 & C.M.P.No.16244 of 2018

&

M.P.Nos.1 and 1 of 2012

A.S.No.915 of 2012

Mr.K.Sundarraaj
S/o Krishnasamy Naidu

..Appellant(s)

Vs

1. Mrs.L.Raniammal (died)
W/o K.Lakshmipathy Naidu
2. Mrs.R.Durgarani
W/o Late K.C.Ramachandran
3. Mrs.E.Karpagam
W/o Late R.Ethirajan,
4. Naveneetha Krishan
S/o Late R.Ethirajan
5. Keerthana

[Minor Respondents 4 And 5 are declared as
Majors and their Guardian Mr.O.M.Saravanan
Advocate is discharged from the guardianship,
vide order of Court dated 13/12/2023 made in
CMP.No.28081 and 28083 of 2023 in
A.S.No.915 of 2012 (RSMJj And NSJ)]



6. Mrs.J.Chitra
W/o R.Jayamurthy
7. Mrs.B.Indira
W/o S.Balaji
8. Mr.R.Sundarajan
S/o Late K.C.Ramachandran
9. Mr.R.Soundarajan
S/o Late K.C.Ramachandran
- 10.Mrs.R.Vijaya
D/o Late K.C.Ramachandran
- 11.Mrs.G.Sathya
W/o S.M.Gokul
- 12.Mrs.R.Vidhya
D/o Late K.C.Ramachandran
- 13.Mrs.R.Sujatha
D/o Late K.C.Ramachandran
- 14.Mrs.Kowsalya
W/o Ramachandran
- 15.Mrs.D.Navaneedam
W/o N.Davendran
- 16.Mr.K.C.Madanagopal
S/o Late K.R.Chinnaiya Naidu
- 17.Mr.K.C.Dilli Babu
S/o Late K.R.Chinnaiya Naidu
- 18.Mr.K.C.Jayagopal (died)
S/o Late K.R.Chinnaiya Naidu
- 19.L. Suresh
S/o. Late. Lakshmipathy



20.L. Vijayabaskar
S/o. Late. Lakshmipathy

21.L. Vasanthakumar
S/O. Late.Lakshmipathy
[R2 to R18 are given up as per memo dated
05/9/2017 (SR.NO.8424/17) is recorded vide
order of this Court dated 18/7/2018 made in
Memo in AS.No.915/2012 BY RPSJ AND
CSNJ]
[R 19 to 21 are impleaded as party respondents
vide order of this Court dated 18.07.2018 made
in Memo in A.S.No.915 of 2012 by RPSJ
CSNJ]

22.P.Menaga
W/o.Purushothamandoor

[R1 Died , R19 To 22 are brought on record as
LRs of deceased 1st Respondent Viz
Raniammal, Vide Order of Court Dated
28/11/2022 In CMP.No.22856/2019 In
As.No.915/2012 (SSSRJ& NMJ)]

23.Yamuna Bai
W/o. Late K.C. Jayagopal

24.J. Sathish Kumar,
S/o. Late K.C. Jayagopal

25.J. Rathish, S/o. Late K.C. Jayagopal,
[R18 Died, RR23 To 25 are brought on record
as LR of Deceased R18, Vide Order of Court
Dated 13/12/2023 made in CMP.Nos.25081,
25085 and 25086/2023 in As.No.915/2012
(RSMJ And NSJ)]

..Respondent(s)

AS No. 916 of 2012

Mr.K.Sundarraaj
S/o Krishnasamy Naidu

..Appellant(s)

Vs



1. Mrs.L.Raniammal (died)
W/o K.Lakshmipathy Naidu
2. Mrs.Suguna @ Navaneetham
W/o N.Davendran
3. Mrs.R.Durgarani
W/o Late K.C.Ramachandran
4. Mrs.J.Chitra
D/o Late K.C.Ramachandran
5. Mr.R.Sundararajan
S/o Late K.C.Ramachandran
6. Mrs.B.Indira
D/o Late K.C.Ramachandran
7. Mr.R.Soundararajan
S/o Late K.C.Ramachandran
8. Mrs.R.Vijaya
D/o Late K.C.Ramachandran
9. Mrs.R.Sandhya
D/o Late K.C.Ramachandran
- 10.Mrs.R.Vidya
D/o Late K.C.Ramachandran
- 11.Mrs.R.Sujatha
D/o Late K.C.Ramachandran,
- 12.Mrs.E.Karpagam
W/o Late R.Ethirajan
- 13.Navaneetha Krishnan
S/o Late R.Ethirajan
- 14.Keerthana
D/o Late R.Ethirajan,
(Minor Respondents 13 and 14 are declared As
Major And Her Mother E.Karpagam discharged



From Her Guardianship, vide order of Court
dated 19/12/2023 made nn CMp.Nos.28090
And 28091 of 2023 in A.S.No.916 of 2012
(RSMJ and NSJ)]

15.L. Suresh
S/o. Late. Lakshmipathy

16.L. Vijayabaskar
S/o. Late. Lakshmipathy

17.L. Vasanthakumar,
S/o. Late. Lakshmipathy
[R15 To R17 are impleaded as party
Respondents Vide Order of this Court Dated
18/07/2018 By RPSJ and CSNJ]
[R2 To R14 Are Given Up as per memo Dated
05/09/2017 (SR No. 8425/17) Is Recorded Vide
Order Of This Court Dated 18/07/2018 By
RPSJ And CSNJ]

18.P.Menaga
W/o.Purushothaman
[R1 Died , R15 To 18 Are Brought On Record
As Lrs Of Deceased 1st Respondent Viz
Raniammal, Vide Order Of Court Dated
28/11/2022 In CMP.No.22848/2019 in
A.S..No.916/2012 (SSSRJ & NMJ)]

..Respondent(s)

Prayer in A.S.No.915 of 2012 : Appeal filed under Section 96 of CPC to set aside the judgment and decree dated 30.03.2012 in O.S.No.335 of 2004 passed by Additional District Judge, Fast Track Court No.I, Chengalpattu.

Prayer in A.S.No.916 of 2012 : Appeal filed under Section 96 of CPC to set aside the judgment and decree dated 30.03.2012 in O.S.No.59 of 2004 passed by Additional District Judge, Fast Track Court No.I, Chengalpattu.

For Appellant(s):
in both appeals

Mr.S.Parthasarathy
Senior counsel
for Mr.K.J.Navin Balaji



For Respondent(s): Mr.P.H.Aravindh Pandian
in A.S.No.915 of 2023 Senior counsel
for Mr.S.Udyakumar for R8 and R17

Mr.S.Vasudevan for R19 and R22

For Respondent(s): Mr.P.H.Aravindh Pandian
in A.S.No.916 of 2023 Senior counsel
for Mr.S.Udyakumar for R5

Mr.S.Vasudevan for R15 to R18

COMMON JUDGMENT

(Judgment of the Court was delivered by N.Sathish Kumar J.)

These appeals have been filed by the plaintiff in O.S.No.59 of 2004, who is the *lis pendens* purchaser of the subject matter of the suit in O.S.No.335 of 2004 on the file of Additional District Judge, Fast Track Court No.1, Chengalpattu.

2. A.S.No.915 of 2012 is filed as against the preliminary decree passed in O.S.No.335 of 2004.

3.The appellant herein has purchased an extent of 7.61 cents out of total extent of 7 acres 91 cents in Item Nos.31, 32, 33, 36, 40, 41, 48, 50, 52 to 59, 62 to 65, 97 and 98 of plaint schedule properties. The remaining 30 cents alone is now available in those items.



4. It is submitted by both sides that except the contesting respondent viz., L.Vasanth Kumar, 21st respondent in A.S.No.915 of 2012/17th respondent in A.S.No.916 of 2012, all other legal heirs of the original plaintiff have already sold their shares to the appellant herein and therefore, L.Vasanth Kumar is entitled to only 30 cents towards his share out of 7.91 acres in the said suit items. Having purchased the larger extent of land in the above suit items referred to above, the appellant herein has filed a suit independently claiming partition in O.S.No.59 of 2004 on the file of same Court. The said suit has been dismissed by the trial Court holding that appellant can workout his remedy only in a final decree that may be passed in the main suit in O.S.No.335 of 2004.

5. A.S.No.920 of 2012 has been filed against the dismissal of the suit in respect of certain items and the said appeal is no way connected to these appeals as the issue involved in these two appeals is only with regard to 30 cents of the L.Vasanth Kumar's share. Rest of the shares of other co-owners have already been purchased by the appellant. This fact is not in dispute.

6. An extent of 7 acres 61 cents in Item Nos.31, 32, 33, 36, 40, 41, 48, 50, 52 to 59, 62 to 65, 97 and 98 plaint schedule properties, have already been purchased by the appellant out of total extent of 44.86 cents. Now it is agreed by both sides that only 30 cents is available out of 7.91 cents and the appellant will purchase 30 cents from the L.Vasanth Kumar viz., 21st respondent in



A.S.No.915 of 2012/17th respondent in A.S.No.916 of 2012, at the rate of 3700 per square feet and the sale deed will be executed within 3 weeks after payment of entire sale consideration. The appellant herein has agreed to purchase the remaining 30 cents at the rate of Rs.3700/- per square feet from L.Vasantha Kumar, who is present before this Court along with his advocate Mr.S.Vasudevan.

In such view of the matter, as the parties have agreed to sort out the issues, these appeals are disposed of recording the settlement agreed before this Court. L.Vasantha Kumar viz., 21st respondent in A.S.No.915 of 2012/17th respondent in A.S.No.916 of 2012, who is present before this Court, has also stated that he has no other claim as against the present appellant. No costs. Consequently, the connected miscellaneous petitions are closed.

(N.S.K.,J.) (M.J.R.,J.)
22-07-2026

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



**N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.**

gpa

AS Nos. 915 and 916 of 2012

22-07-2026