

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

SA No.1048 of 2010

1. Tmt.Kuppammal (died)
W/o. Karuppasamy Gounder,
Makkam Garden, Karuthampatti Post,
Somanur Via, Palladam Taluk.
2. K.Balakrishnan,
S/o. Late.Karuppusamy Gounder, 163/4, Kombai
Nagar, Salem Main Road, Tiruchengode.
3. K.Chandrasekar (died)
S/o. Late Karuppusamy Gounder, 167/1, Kombai
Nagar, Salem Main Road, Tiruchengode.
4. K.K.Chenniappan
S/o. Late Karuppusamy Gounder, 330/6, Therku
Thottam, Sengodampalayam, 'o' Rajapalayam
(po), Tiruchengode, Namakkal (district)
5. K.K.Ramasamy
S/o. Late Karuppusamy Gounder, Ctc Depot
(opp), Avinashi Road, Karumathampatti,
Coimbatore District.
6. R.Lakshmi
W/o. Late S.Rathnasamy, Vignesh Nagar, 2/38,
Meenakshi Bhavan, Cheran Maanagar,
Vilangurichi Road, Coimbatore District.



WEB COPY

7. Smt.Saroja

W/o. Late R.Palanisamy, Engine Thottam,
Karumathampatti Pudhur, Karumathampatti,
Sulur Taluk, Coimbatore District.

8. K.K.Mahalingam

S/o. Late Karuppusamy Gounder Kokkan
Thottam, Karumathampatti,sulur
Taluk,coimbatore District.

9. Smt.Navaneethi

W/o. K.Rajendra Kumar, Mariamman Kovil
Street, Karumathampatti, Sulur Taluk,
Coimbatore District.

10.Amirthavalli

W/o. Late K.K.Subramani, 354, Therku Thottam,
Sengodampalayam, 'o' Rajapalayam (po),
Tiruchengode, Namakkal District.

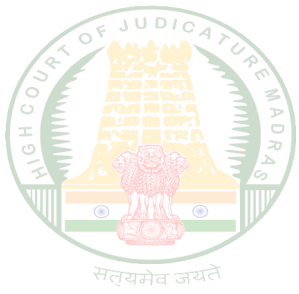
11.Aruna Priya

D/o. Late K.K.Subramani. 354, Therku Thottam,
Sengodampalayam, 'o' Rajapalayam (po),
Tiruchengode, Namakkal District.

12.Sasikala

D/o. Late K.K.Subrmani, 354, Therku Thottam,
Sengodampalayam, 'o' Rajapalayam (po),
Tiruchengode, Namakkal District.

[Sole Appellant Died. A2 to A12 are Brought on
record as LR's of the Deceased Sole Appellant
vide Court order dated June 7, 2024 made in
CMP.Nos.9672, 9675 and 9673 of 2024 in
S.A.No.1048 of 2010].



13. Subbalakshmi

W/o. Late Chandrasekar, residing at No.161/1/1,
Salem Road, Kombai Nagar, Kailasampalayam
Village/Town, Tiruchengode Taluk, Namakkal
District.

14. Arthi Priya

D/o. Late Chandrasekar, residing at No.161/1/1,
Salem Road, Kombai Nagar, Kailasampalayam
Village/Town, Tiruchengode Taluk, Namakkal
District.

15. Elango

S/o. Late Chandrasekar, 21465 Green Hill Road
Apartment, 172, Farmington Hills, Michigan
48335.

[A3 died, A13 to 15 are brought on record as LR's of
the deceased A3 vide court order dated March 3,
2025 made in CMP.No.25930 of 2024 in S.A.No.
1048 of 2010]

..Appellants

Vs

Subbanna Gounder (died)

1. Palani Gounder S/o. Chellappa,

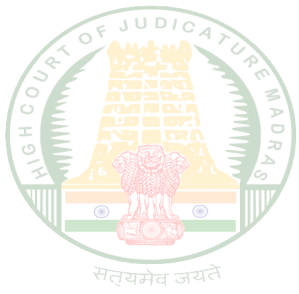
Sathurakadu, Karumathampatti Post, Somanur,
Palladam Taluk.

2. K.S.Karuppasamy

Sathurakadu Karumathampatti Post, Somanur,
Palladam Taluk.

3. Rangasamy

Sathurakadu Karumathampatti Post, Somanur,
Palladam Taluk.



4. S.Subramaniam

S/o. Late Subbanna Gounder Sathurakadu
Karumathampatti Post, Somanur, Palladam
Taluk.

Smt Ramathal (Died)

5. Kamalathal

W/o. Rangasamy, Sathurakadu,
Karumathampatti Post, Somanur, Palladam
Taluk.

6. Palanisamy

S/o. Rangasamay Sathurakadu,
Ukarumathampatti Post Somanur Palladam Tk

7. Velusamy

S/o. Rangasamy Sathurakadu Karaumathampatti
Post Somanur Palladam Tk

8. K.Chinnammal

W/o. Late Karuppasamy, 249/2J, Mariamman
Koil Street, Karumathampatti, Coimbatore.

9. K.Rajendra Kumar

S/o. Late Karuppasamy At 249/2J Mariamman
Koil St Karumathampatti Coimbatore

10.K.Shanmugasundaram

S/o Late Karuppasamy 249/2J Mariamman Koil
St Karumathampatti Coimbatore

11.K.Manonmani

S/o.K.R.Vivekanandan No.2/163 Vadikal



Thottam Kothampalayam Vanapalayam Palladam
Taluk

WEB COPY

12. Krishnasamy (died)

S/o Chellappa Gounder Sathurakadu
Karuthampatti Post Somanur Palladam Taluk

13. Kumarasamy Gounder

3/10 Nalu Road Crosscut Road Karumathampatti
Somanur Via

14. Marappan (died)

S/o Kumarasamy Gounder 3/10 Nalu Road
Crosscut Road Karumathampatti Somanur Via

15. Tmt Kanniammal

W/o. Natarajan
3/10 Nalu Road Crosscut Road Karumathampatti
Somanur Via

16. Tmt Rasathal

D/o Kumarasamy 3/10 Nalu Road Crosscut Road
Karumathampatti Somanur Via

17. S.C. Muthusamy Mudaliar (died)

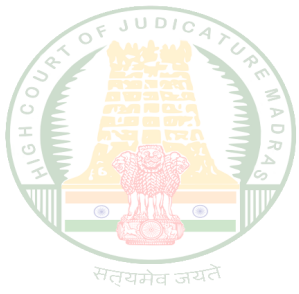
Gold Merchant Main Road Somanur Palladam
Taluk

18. Balasubramaniam (died)

At No. 7 Dhanalakshmi Rice Mill Road Somanur
Palldam Taluk

19. Deivasigamani

At No. 7 Dhanalakshmi Rice Mill Road Somanur
Palldam Taluk



WEB COURT

20. Arumugam

At No.7 Dhanalakshmi Rice Mill Road Somanur
Palldam Taluk

21. S.Rangasamy (died)

At Samundeeswara Textiles 103 Koppai Nagar
Salem Road Thiruchengode 637 211

22. S.Ramaswami

At Samundeeswara Textiles 103 Koppai Nagar
Salem Road Thiruchengode 637 211

23. S.Duraisamy

At Samundeeswara Textiles 103 Koppai Nagar
Salem Road Thiruchengode 637 211

24. Ponni (died)

W/o Palanisamy Thattan Thottam Annur Main
Road Rayarpalayam Karumathampatti Palladam
Tk 641 569

25. M.Rangasamy

No.15/368 Srinivasapuram Nal Road, Kovai

26. Yamundadevi

C/o Kumrasamy Gounder Nalroad Annur Road
Karumathampatti Coimbatore.

27. Govindammal

W/o. Late.Muthusamy Mudaliar Door No. 92,
Sarathambal Nagar, Karumathampatty Village
/Town, Sulur Taluk, Coimbatore District

28. Dhanalakshmi



D/o. Late.Muthusamy Mudaliar Door No. 92,
Sarathambal Nagar, Karumathampatty
Village/Town, Suler Taluk, Coimbatore District

WEB COPY

29.Mageshwari

W/o. Deivasigamani Door No. 92, Sarathambal
Nagar, Karumathampatty Village /Town, Suler
Taluk, Coimbatore District

30.Minor Rithwik

S/o. Deivasigamani Door No. 92, Sarathambal
Nagar, Karumathampatty Village /Town, Suler
Taluk, Coimbatore District. Rep by his mother /
Natural Guardian Mrs.Mageshwari

31.Minor Subreth

S/o. Deivasigamani Door No. 92, Sarathambal
Nagar, Karumathampatty Village /Town, Suler
Taluk, Coimbatore District. Rep by his mother /
Natural Guardian Mrs.Mageshwari

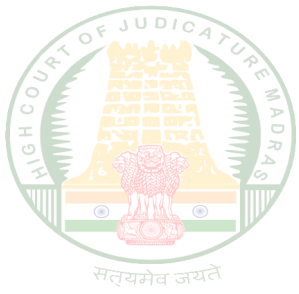
32.Manomani

D/o. Late.Muthusamy mudaliar Door No. 92,
Sarathambal Nagar, Karumathampatty Village
/Town, Suler Taluk, Coimbatore District.

[R17 died, Respondents 27 to 32 are brought on
record as LR's of the deceased R17 vide court
order dated September 20, 2024 made in
CMP.No. 20253 of 2024 in S.A.No.1048 of
2010].

33.Kamalathal

W/o..Late Venkatachala Gounder, D/o.Late
Palani Gounder, Residing at 33/34 Pillaiyar Koil
Street, K.Rayarpalayam, Karumathampatty
Village/Town, Suler Tk., Coimbatore District



34. Nagamani @ Navamani

D/o. Poovathal and Rangasamy, W/o. Rakimuthu,
Residing at 33/34 Pillaiyar Koil Street,
K. Rayarpalayam, Karumathampatty
Village/Town, Suler Tk., Coimbatore District

35. Ashok Kumar

S/o. Poovathal and Rangasamy, Residing at 33/34
Pillaiyar Koil Street, K. Rayarpalayam,
Karumathampatty Village/Town, Suler Tk.,
Coimbatore District

36. S. Palanathal

W/o. Late Sinnappan, Residing at 33/34 Pillaiyar
Koil Street, K. Rayarpalayam, Karumathampatty
Village/Town, Suler Tk., Coimbatore District

37. S. Balasubramaniyan

S/o. Late Sinnappan, Residing at 33/34 Pillaiyar
Koil Street, K. Rayarpalayam, Karumathampatty
Village/Town, Suler Tk., Coimbatore District

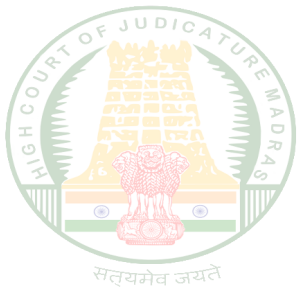
38. S. Nirmala Devi

D/o. Late Sinnappan, Residing at 33/34 Pillaiyar
Koil Street, K. Rayarpalayam, Karumathampatty
Village/Town, Suler Tk., Coimbatore District.

[R1 died, Respondents 33 to 38 are brought on
record as LRs of the deceased R1 vide court order
dated March 3, 2025 made in C.M.P.Nos. 25928,
25939 and 25941 of 2024 in S.A.No.1048 of
2010].

39. Valliyammal

W/o. Late Krishnasamy, Residing at No.19AD,
Teachers Colony, Karumathampatty Village
/Town, Suler Tk., Coimbatore Dist.



40. Subbulakshmi

D/o.Late Krishnasamy, Residing at No.19AD,
Teachers Colony, Karumathampatty Village
/Town, Sulur Tk., Coimbatore Dist.

41.K.Murugesan

S/o.Late Krishnasamy, Residing at No.19AD,
Teachers Colony, Karumathampatty Village
/Town, Sulur Tk., Coimbatore Dist.

42.E.Yuvaprabhu

S/o.Eswaran, , Residing at No.19AD, Teachers
Colony, Karumathampatty Village /Town, Sulur
Tk., Coimbatore Dist.

43.Malarvili

D/o.Late Krishnasamy, Residing at No.19AD,
Teachers Colony, Karumathampatty Village
/Town, Sulur Tk., Coimbatore District.

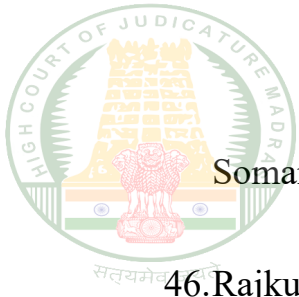
[R12 died, Respondents 39 to 43 are brought on
record as LR's of the deceased R12 vide court
order dated March 03, 2025 made in CMP.Nos.
25797, 25805 and 25809 of 2024 in S.A.No.1048
of 2010].

44.Poovathal

W/o.Late Marappan, Residing at No.88/D, Nall
Road, Annur Road, Karumathampatty Village,
Somanur Village, Coimbatore Dist.

45.K.M.Senthil Kumar

s/o.Late Marappan, Residing at No.88/D, Nall
Road, Annur Road, Karumathampatty Village,



Somanur Village, Coimbatore Dist.

46.Rajkumar

S/o.Late Marappan, Residing at No.88/D, Nall Road, Annur Road, Karumathampatty Village, Somanur Village, Coimbatore District.

[R14 died, Respondents 44 to 46 are brought on record as LR's of the deceased R14 vide court order dated March 3, 2025 made in CMP.Nos. 25806, 25808 and 25812 of 2024 in S.A.No 1048 of 2010].

47.Indirani

W/o.Late Balasubramanian, No.92 Sarathmabal Nagar, Karumathampatty Village/Town, Sulur Tk, Coimbatore Dist.

48.Dhanabal

S/o.Late Balasubramanian, No.92 Sarathmabal Nagar, Karumathampatty Village/Town, Sulur Tk, Coimbatore Dist.

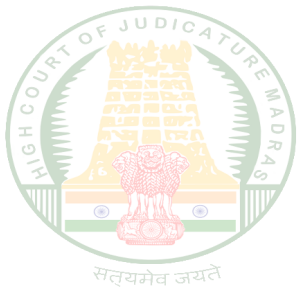
49.Umamaheshwari

S/o.Late Balasubramanian, No.92 Sarathmabal Nagar, Karumathampatty Village/Town, Sulur Tk, Coimbatore Dist.

[R18 died, Respondents 47 to 49 are brought on record as LR's of the deceased R18 vide court order dated March 3, 2025 made in CMP.Nos. 25800, 25802 and 25804 of 2024 in S.A.No.1048 of 2010].

50.Eswari

W/o. Late.Rangasamy Door No. 193 1, Salem Road Cross, Ondru Kombai Nagar, Seetharampalayam Village / Town, Tiruchengode Taluk, Namakkal District



WEB COPY

51.Kalaimani

D/o. Late.Rangasamy Door No. 193 1, Salem
Road Cross, Ondru Kombai Nagar,
Seetharampalayam Village / Town, Tiruchengode
Taluk, Namakkal District

52.Sumathi

D/o. Late.Rangasamy Door No. 193 1, Salem
Road Cross, Ondru Kombai Nagar,
Seetharampalayam Village / Town, Tiruchengode
Taluk, Namakkal District .

[R21 died, Respondents 50 to 52 are brought on
record as LRs of the deceased R21 vide court
order dated March 03, 2025 made in CMP.No.
25927, 25929 and 25932 of 2024 in S.A.No.1048
of 2010]

53.P.Swamyappan

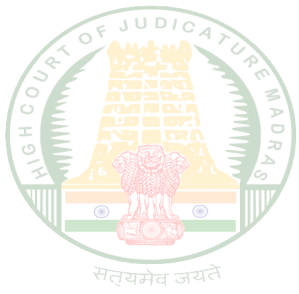
S/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

54.Divya

D/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

55.B.Vignesh

S/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.



WEB COPY

56.Umavathi

D/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

57.P.Duraisamy

S/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

58.P.Ravichandran

S/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

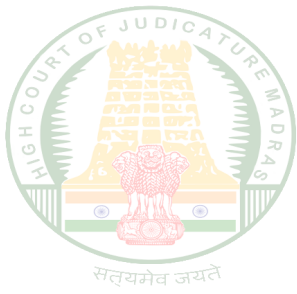
59.Radhamani

D/o.Late.Palaniyappan Door No. 11/172, Thattan
Thottam, K.Rayarpalayam, Karumathampatty
Village / Town, Sulur Taluk, Coimbatore District.

[R24 died, Respondents 53 to 59 are brought on
record as LR's of the deceased R24 vide court
order dated March 3, 2025 made in CMP.No.
25807, 25810 and 25811 of 2024 in S.A.No.1048
of 2010].

..Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure 1908, praying to set aside the Judgment and Decree dated December 11, 2008 made in A.S.No. 154 of 2004 on the file of Principal District Judge, Coimbatore, by modifying the Judgment and Decree dated December 22, 2000 made in O.S.No. 263 of 1986 on the file of Subordinate Judge, Tiruppur.



WEB COPY

For Appellants : Mr.N.Sridhar
For Mr.R.Bharath Kumar

For RR 4, 6, 9 to 11,
22 and 23 : Mr.T.S.Baskaran

For RR 20, 28 to 32, : Mr.V.P.Senguttuvel, Senior Counsel
47 to 49 Assisted by
Mr.K.R.Nishanth

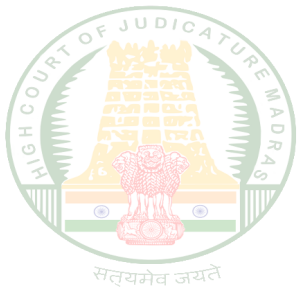
ORDER

Mr.N.Sridhar, representing Mr.R.Bharath Kumar, Counsel on record for the Appellants, Mr.T.S.Baskaran, Counsel on record for the Respondent Nos.4, 6, 9 to 11, 22 & 23 and Mr.V.P.Senguttuvel, learned Senior Counsel assisted by Mr.K.R.Nishanth, Counsel on record for the Respondent Nos.20, 28 to 32, 47 to 49 are before the Court.

2.Heard both sides.

3.The Second Appeal is admitted on the following Substantial

Questions of Law:-



WEB COPY



1. Whether the Judgment and Decree of the First Appellate Court is to be interfered with in view of the decision rendered by the Hon'ble Supreme Court in the case of *Vineeta Sharma* v. *Rakesh Sharma*, reported in (2020) 9 SCC 1?.

2. Whether the First Appellate Court has committed an error in law by marking Ex.B25 to Ex.B28 without following the procedure prescribed under Order XLI Rule 28 of the Code of Civil Procedure, 1908?.

4. Registry is directed to call for the material records of the Trial Court as well as the First Appellate Court in original including the records pertaining to Interlocutory Application filed under Order XLI Rule 27 of the Code of Civil Procedure, 1908 in I.A.No.1659 of 2008 in A.S.No.154 of 2004 on the file of Principal District Court, Coimbatore.

5. List the matter on **April 28, 2026**.

21.04.2026

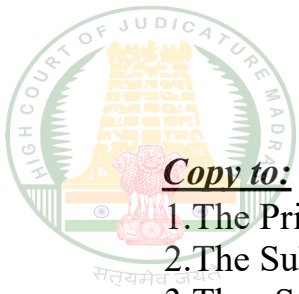
MSM

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

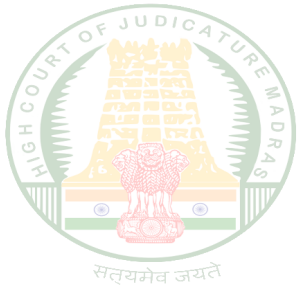
Note: Registry is directed to call for the entire records forthwith and list the matter on **April 28, 2026**.



Copy to:

1. The Principal District Judge, Coimbatore.
2. The Subordinate Judge, Tiruppur.
3. The Section Officer, V.R. Section, High Court, Madras.

WEB COPY



WEB COPY

SA No. 1048 of 2



R.SAKTHIVEL, J.

MSM

SA No. 1048 of 2010

21-04-2026

Page 16 of 16