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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

SA No. 919 of 2009

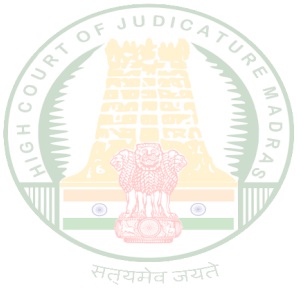
Valliammal

Appellant(s)

Vs

1. Nagammal
2. Madammal
3. Podaran
4. Selvam
5. Sithan
6. Minisi
7. Govindan
8. Sithan @ Chinnapaiyan
9. Palani
10. Elumalai
11. Sarasu
12. Mariammal
13. Sivagami
14. Kandasamy
15. Muthammal
16. Palaniammal
17. Pappa
18. Sithammal
19. Kumar
20. Gowri Raja @ Sabarathinam

Respondent(s)



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For Appellant(s): Mr.V. Chandrakanthan

For Respondent(s): Mr.R.Jayaprakash For RR1 To 4

ORDER

Heard the learned counsel for the appellant.

2.The appellant was the plaintiff in O.S.No.622 of 1992 on the file of the Additional Sub Court, Salem. That suit had been filed by the appellant seeking partition and separate possession of the properties mentioned in the schedule. It is the contention of the appellant that the properties were the self-acquired properties of the parents and are available for partition. The defendants had resisted the suit claiming that they are ancestral properties. A preliminary decree for partition was passed by the trial Court. Thereafter, A.S.No.80 of 2005 was preferred by the defendants which came up for consideration before the I Additional District Court, Salem. The learned Appellate Judge found that the appellant herein had executed Ex.B1 which is a Relinquishment Deed and therefore came to the opinion that since the appellant had relinquished her rights, she cannot maintain her suit for partition, and therefore, dismissed the suit and allowed the appeal.



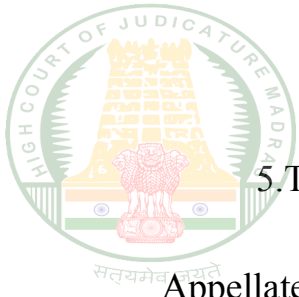
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3.The learned counsel for the appellant argued that the properties are self-acquired properties of the parents and documents to that effect had been filed and even in the Relinquishment Deed no proper description of the properties had been given and also stated that from a residual share, the appellant is well entitled to seek partition and separate possession.

4.In view of that particular argument advanced, this Second Appeal is admitted under the following Substantial Questions of Law:

i).Whether the First Appellate Court was right in holding that under Ex.B1, the appellant having relinquished her right in the suit properties cannot maintain the suit for partition?

ii).Whether the First Appellate Court had properly appreciated the stand of the appellant that the properties were the self-acquired properties of the parents and not ancestral properties.



5. The Registry to call for the records from the Trial Court / First

Appellate Court for hearing date 14.08.2025.

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6. Call on 14.08.2025.

04-07-2025

smv

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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5

SA No. 919 of 2009



C.V.KARTHIKEYAN J.

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SA No. 919 of 2009

04-07-2025