



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-02-2026**

CORAM

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**SA No. 195 of 2026**

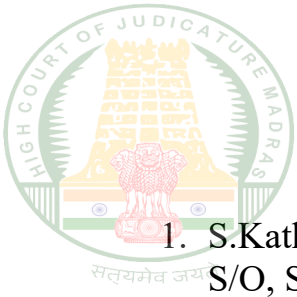
**AND**

**CMP NO. 5317 OF 2026**

WEB COPY

1. T.Bakkiyalakshmi  
W/o. Late Thangavel,  
Modakurichi,  
Erode Taluk,  
Erode District.
2. T.Vimala  
D/o. Thangavel  
Modakurichi, Erode Tk  
Erode Dist
3. S.Murugesan  
S/o. Sengoda Gounder  
Pulavankadu, Kupbandapalayam Post,  
Kumarapalayam Town and Tk  
Namakkal Dist.
4. K.Sengottaiyan  
S/o. Kaliyanna Gounder  
Soppuruttykkadu  
Kupbandapalayam Post  
Kumarapalayam Agraharam Village and Post  
Kumarapalayam Taluk  
Namakkal Dist.
5. K.Ramasamy  
S/o. Kaliyanna Gounder  
Soppuruttykkadu  
Kupbandapalayam Post  
Kumarapalayam Agraharam Village and Post  
Kumarapalayam Taluk  
Namakkal Dist.

..Appellant(s)



Vs

1. S.Kathirvelu  
S/O, Shanmugam,  
Aalangadu,  
Kumarapalayam Ahraharam Village,  
Now Kumarapalayam Taluk,  
Namakkal District.  
Shanmugam (Deceased)
2. S.Kannammal  
W/o. late. Shanmugam  
Pulavankadu  
Kuppandapalayam Post  
Kumarapalayam Agraharam Village and Post  
Kumarapalayam Taluk  
Namakkal Dist.
3. M/s. Tan India Mines and Minerals Ltd  
Rep by Managing Director S.S.M.Soundappan  
No. 335, Salem Main Road  
Kumarapalayam Town and Taluk  
Namakkal Dist.
4. V.Jothimani  
D/o late. Shanmugam  
W/o. Velusamy  
Door No. 5/217, South Garden  
V.Mettupalayam,  
Sanniyasippatty Post  
Varadhanalloor Village  
Bhavani Taluk  
Erode Dist. 638211
5. J.Santhi  
D/o. Late. Shanmugam  
W/o. N.S.Jeganathan  
Door No. 7/83/2, Ranaganoor Road  
Pallakkapalayam Post  
Kumarapalayam Taluk  
Namakkal 637 303

..Respondent(s)



**SA No. 195 of 2026**

WEB COPY

To set aside the Judgment and Decree dt. 14.08.2025 in A.S. No. 27 of 2018 on the file of Principal Sub Court, Tiruchengode, reversing the Judgment and Decree dt. 26.02.2018 in OS No. 161/1998 on the file of the Principal District Munsif Court, Tiruchengode.

**SA No. 195 of 2026**

For Appellant(s): MR.K.Selvaraj

For Respondent(s):

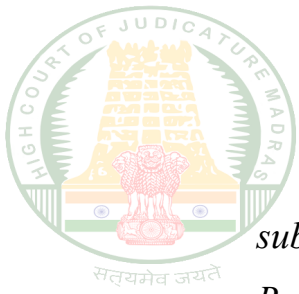
**ORDER**

Challenging the reversal findings of the Courts below, the defendants 1,2,6,7 and 8 have preferred this appeal.

2.Heard the learned counsel for the appellants and perused the material available on records.

3. Admit. Issue Notice to the respondents returnable by 07.04.2026.

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



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*“1. Whether the First Appellate Court committed a substantial error of law in failing to dismiss the suit as barred by Res Judicata under Section 11 of the C.P.C. ignoring that the Compromise Decree dated 23.09.1985 in O.S. No.104 of 1984 had attained finality and bound the plaintiff/*

*2. Whether the Lower Appellate Court was right in entertaining the suit in O.S. No.161 of 1998 when it is expressly barred by Order 23 Rule 3A of the C.P.C. which prohibits a separate suit to set aside a compromise decree on the ground of unlawfulness?*

*3. Whether the Lower Appellate Court erred in granting a declaratory decree when the plaintiff admitted, he was not in possession of the suit property and failed to seek the consequential relief of recovery of possession as mandatorily required under the proviso to Section 34 of the Specific Relief Act?*

*4. Whether the plaintiff can maintain a suit to set aside a decree when it is clearly binding on him and the same is not obtained by any fraud or coercion?*

5. Post on 07.04.2026.

Lbm

25-02-2026



**SA No. 195 of 2026**

To

1. S.Kathirvelu  
S/O, Shanmugam,  
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**T.V.THAMILSELVI J.**

**Lbm**

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