



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

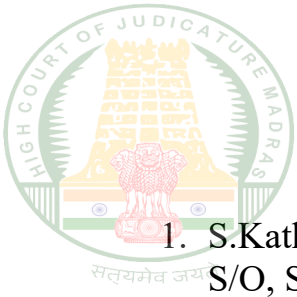
AND

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

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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.

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For Appellant(s): MR.K.Selvaraj

For Respondent(s):

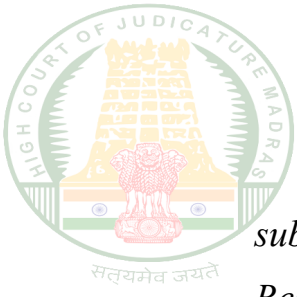
ORDER

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?

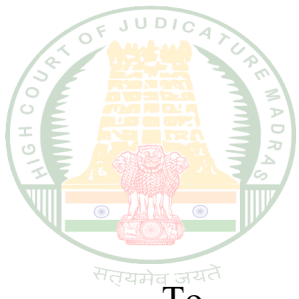
3. Whether the Lower Appellate Court erred in granting a declaratory decree when the plaintiff admitted, he was not in possession of the suit property and failed to seek the consequential relief of recovery of possession as mandatorily required under the proviso to Section 34 of the Specific Relief Act?

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.

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T.V.THAMILSELVI.,J

Today, the matter has been taken up under the caption “For Being Mentioned”.

2. Learned counsel for the appellants submits that this Court by order dated 25.02.2026 admitted the appeal and granted interim stay of the judgment and decree passed in A.S.No.27 of 2018, but it was omitted to be mentioned in the order dated 25.02.2026.

3. In view of the above submission, there shall be an order of interim stay of the judgment and decree passed in A.S.No.27 of 2018 dated 14.08.2025 on the file of Principal Sub Court, Tiruchengode.

4. Registry is directed to issue fresh order copy to the parties.

08.04.2026

SR



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T.V.THAMILSELVI.,J

sr

SA No. 195 of 2026

08.04.2026