



SA No. 751 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-02-2026**

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CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**SA No. 751 of 2022  
and CMP.No.20854 of 2023**

1. C.Karupusamy  
S/o. chinnachinna Gounder,  
Pallakaatupudhur, Sivanmalai Village,  
Kangayan Taluk, Tirupur Dt.

Appellant(s)

Vs

1. Veerappagounder  
S/o. Chinnachinna Gounder,  
Pallakaatupudhur, Sivanmalai Village,  
Kangayam Taluk, Tirupur Dt.

2.Annakodi  
W/o. Late. C. Pongiyagounder,  
Pallakaatupudhur, Sivanmalai Village,  
Kangayam Taluk, Tirupur Dt.

3.M. Veerappa gounder  
S/o. Muthusamy Gounder,  
Pallakaatupudhur, Sivanmalai Village,  
Kangayam Taluk, Tirupur Dt.

M. Semalaiappan (Died)

4. Thirumoorthy (Died)

5.Semalaiappan  
S/o. Samiappan gounder,  
Pallakaatupudhur, Sivanmalai Village,  
Kangayam Taluk, Tirupur Dt.

6.Valliammal  
W/o. Late. Semalaiappan Gounder,



Pallakaatupudhur, Sivanmalai Village,  
Kangayam Taluk, Tirupur Dt.

7.P. Mani

W/o. Palanisamy, Thoppupalayam,  
Uthukuli Via, Tirupur Dt.

8.K. Gandhimathi

W/o. Kandasamy, Neelakattupudur,  
Sivanmalai Village, Kangayam Taluk,  
Tirupur Dt.

9.S. Kumarasamy

S/o. Late. M. Semalaiappan,  
Periyapallakadu, Sivanalai Village,  
Tirupur Dt.

10.Kannammal

W/o. Thirumoorthy, Pallakaatupudhur,  
Sivanmalai Village, Kangeyam,  
Tirupur.

11.Sivasubramaniam

S/o. Thirumoorthy, Pallakaatupudhur,  
Sivanmalai Village, Kangeyam,  
Tirupur.

12.Saradhamani

W/o. Eswaramoorthy, Muthianerichal,  
Kandiyan Kovil, Tirupur South.

13.Dhanusree (Minor)

rep by her Grandmother Kannamal,  
W/o. Thirumoorthy, Pallakattupudhur,  
Sivanmalai Village, Kangeyam,  
Tirupur.

\*RR10 to 13 brought on record as Lrs. Of the deceased 4<sup>th</sup> respondent vide order of Court dt.14.07.2022 made in CMP.No.14021, 14022 & 14026 of 2020 in S.A.SR.No.33470 of 2020 (PTAJ).

Respondent(s)

### **PRAYER**

Second Appeal filed under Section 100 of the Code of Civil Procedure, prays to set aside the Judgement and decree passed in A.S.No.7 of 2017 dated



29.07.2019 on the file of Subordinate Court at Kangayam in upholding the Judgement and decree passed in OS No.371 of 2006 on 31.01.2017 on the file of District Munsif Court, Kangayam.

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For Appellant(s): Mr.Guruprasad

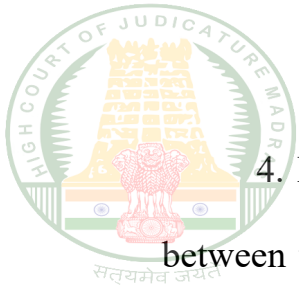
For Respondent(s): Mr K. Goviganesan For Rr1 and  
2 R4 And R5- Died  
Mr.R.Prabakar For R3 And R6  
To R9 R10 To R13 - No  
Appearance

### **JUDGEMENT**

The appellant has filed this appeal prays to set aside the Judgement and decree passed in A.S.No.7 of 2017 dated 29.07.2019 on the file of Subordinate Court at Kangayam in upholding the Judgement and decree passed in OS No.371 of 2006 on 31.01.2017 on the file of District Munsif Court, Kangayam.

2. For the sake of convenience, the parties herein are referred to as they were ranked in the suit.

3. When the matter was taken up for arguments, the plaintiff/appellant restricted his claim to 1 acre and 33 cents in the A-schedule property, though he had originally purchased 4 acres and 2 cents under Exhibit A2. As on date, he confines his claim only to 1 acre and 33 cents. Although several grounds were raised in the appeal, at the time of arguments, the learned counsel for the appellant submitted that the appellant's claim is limited solely to 1 acre and 33 cents in the A-schedule property.



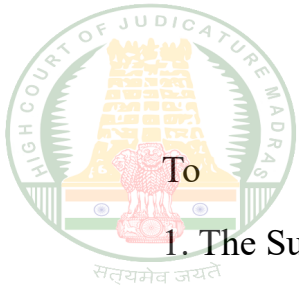
4. It is pertinent to mention that there was already a compromise decree between the parties, wherein an extent of 1.33 acres in Survey No. 858/B was allotted to Veeray ammal, the mother of the appellant, in O.S. No. 72 of 1949.

Therefore, as per the said compromise decree, Veeray ammal was entitled only to 1.33 acres. Though the appellant had purchased nearly 4 acres from his mother, he now restricts his claim to 1.33 acres. With this observation, the appeal stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

5. In respect of the said 1 acre and 33 cents, the appellant is directed to work out his remedy along with defendants 1 and 2, since all the properties were allotted to the respective sharers as per the decree in O.S. No. 7 of 2020. The appellant shall work out his remedy in the final decree proceedings. The trial Court is directed to dispose of the case within three months from the date of receipt of a copy of this order.

**27-02-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No  
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SA No. 751 of 2022



To

1. The Subordinate Judge, Kangayam.

WEB COPY 2. The District Munsif, Kangayam.



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**T.V.THAMILSELVI J.**  
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