



S.A.Nos.366 and 367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.04.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.Nos.366 and 367 of 2025

S.A.No.366 of 2025:

1.Palanisamy

2.Subramani

3.Gopal

4.Pushpa

... Appellants

vs.

1.K.S.Vivegananthan

2.The Tahsildar
Tahsildar Office,
Rasipuram Post and Taluk.

3.The Village Administrative Officer
Singalanthapuram Post,
Rasipuram Taluk,
Namakkal District.

... Respondents

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the Judgment and Decree dated 30.10.2023 in A.S.No.22 of 2021 on the file of the 1st Additional District Judge, Namakkal by confirming the Judgment and Decree dated 28.10.2020 in O.S.No.17 of 2016 on the file of Subordinate Judge, Rasipuram.



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S.A.Nos.366 and 367 of 2025

For Appellants : Mr.K.Selvakumar
for M/s.P.Veena

For R1 : Mr.M.K.Bhoopathy Rajan

For R2 and R3 : Mr.A.Anandan
Government Advocate

S.A.No.367 of 2025:

1.Subramani

2.Gopal ... Appellants

vs.

1.K.S.Vivegananthan

2.Palanisamy

3.Pushpa ... Respondents

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the Judgment and Decree dated 30.10.2023 in A.S.No.23 of 2021 on the file of the 1st Additional District Judge, Namakkal by confirming the Judgment and Decree dated 28.10.2020 in O.S.No.12 of 2014 on the file of Subordinate Judge, Rasipuram.

For Appellants : Mr.K.Selvakumar
for M/s.P.Veena

For R1 : Mr.M.K.Bhoopathy Rajan



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COMMON ORDER

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The Second Appeals are admitted on the following substantial questions of law:-

“(i) Whether the learned Additional District Court and Trial Judge are right in not discussing the ingredients of Adverse Possession and giving a findings in a suit for declaration of title based on adverse possession when it was already admitted by the respondents that the appellants are in possession of the suit?”

“(ii) Whether the learned Additional District Court and Trial Judge are right in not discussing the evidence pertaining to hostile possession of the appellants?”

“(iii) Whether the learned Additional District Court and Trial Judge are right in holding that the suit for declaration of title based on adverse possession is barred by “Principles of Res Judicata” when the previous suit for bare injunction was dismissed on technical ground?”

2. Mr.M.K.Bhoopathy Rajan, learned counsel takes notice for the 1st respondent in both second appeals, Mr.A.Anandan, learned Government Advocate takes notice for the respondents 2 and 3 in S.A.No.366 of 2025.



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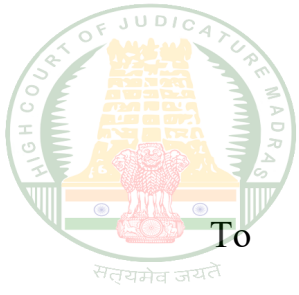
3. The Registry is directed to call for the records from the Court below.

4. Notice to the other respondents in S.A.No.367 of 2025, returnable by four weeks.

5. List these matters after four weeks.

dm

10.04.2026
(1/2)



S.A.Nos.366 and 367 of 2025

To

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1.The 1st Additional District Court,
Namakkal.

2.The Subordinate Court,
Rasipuram.



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S.A.Nos.366 and 367 of 2025

S.SOUNTHAR, J.

dm

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(1/2)