



S.A.No.907 of 2022

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P.T.ASHA, J.,

This Second Appeal is admitted on the following Substantial Questions of law:

“1) When the Sale Deed dated 30.09.1994, Ex.B1 was executed by the 1st defendant for himself and as father and natural guardian of the then minor plaintiffs for discharging the family liability and for the maintenance of the minors and their educational purpose, are the plaintiffs entitled to seek declaration of title and other reliefs without disproving the recitals therein in this regard?

2) When the Sale Deed dated 30.09.1994, Ex.B1 executed by the 1st defendant – Ganapathy for himself and as father and natural guardian of then minor plaintiffs 1 to 3 conveying the suit property to and in favour of the defendants 2 and 3 is voidable one, is the suit filed by the plaintiffs seeking declaration of title and other reliefs is maintainable without seeking cancellation or setting aside the said sale deed?

3) Whether the suit as framed by the plaintiffs is barred by law by applying the provisions of Section 7 of the Limitation Act as the 3rd plaintiff attained majority in the year 1996 itself and the suit having been filed only on 14.09.2007?



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4) *Whether the misreading and misconception of the recitals in the Sale Deed dated 30.09.1994, Ex.B1 by the Courts below vitiated the judgment and decree of the Courts below?*

5) *Whether the Courts below were right in granting a decree for permanent injunction restraining the defendants from interfering with the possession and enjoyment of the suit property by the plaintiff, without any pleading and without any prayer for the same, especially when the plaintiffs witness PW1 himself has admitted the possession and enjoyment of the suit property by the defendants 2 and 3 in his evidence?*

6) *When the plaintiffs themselves admitted the life interest of the 1st defendant over the suit property, the same having been sold to the defendants 2 and 3 and the 1st defendant is alive even now, is the suit filed by the plaintiffs is premature and not maintainable in law?*

Notice.

ssn

09.11.2022
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Note:

Registry is directed to send a copy of the substantial questions of law framed by this Court along with the Notice.

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