



SA.No.697 of 2025
and CMP.No.25475 of 2025

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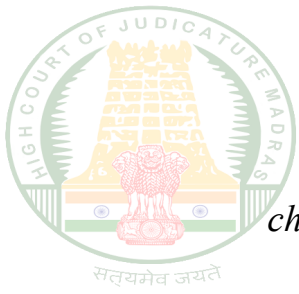
T.V.THAMILSELVI, J.

Challenging the concurrent findings of the Courts below, the defendants have preferred this appeal.

2. This Court admits the Second Appeal on the following substantial questions of law:

a) Whether the Courts below are right in decreeing the suit for partition when the plaintiffs sought for partition only on sole ground that as per the partition agreement dated 25.12.1978, they are entitled to half share in 1.25 acres land in northern side out of 4.56 ½ acres, whereas they failed to produce/mark the said partition agreement dated 25.12.1978 and the plaint did not contain specific denial of the execution of the registered will, dated 12.07.1961 in the plaint?

b) Whether the Courts below are right in decreeing the suit for partition when the 1st plaintiff agreed and received a sum of Rs.750/- as per terms of the will dated 12.07.1961 and subsequently received another sum of Rs.50,000/- through two



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cheques in cheque Nos.858465 & 858466, dated 20.06.2007

and 21.06.2007 respectively and the same were also encashed

and she also agreed the same in writing under Exhibit B-1 and

thereby the said Will dated 12.07.1961 had already been acted

upon?

3. List the appeal on 22.01.2026.

4. The Registry is directed to call for the entire records from the Courts below concerned.

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pvs



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