



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2025

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Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**S.A.No.823 of 2025
and C.M.P.No.31441 of 2025**

Krishnan (Deceased)

1.K.Saraswathi

2.K.Kalaivanan

3.K.Kalaiselvan

4.K.Kaviarasan

...Appellants

Versus

1.Munuswamy

2.Anumanthan

3.Kuppammal

4.Loganayaki

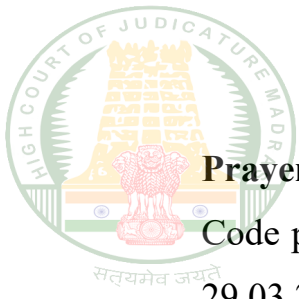
5.Minor Sanjay

Rep. by his mother,
Loganayaki, 4th respondent

6.Minor Niranjan

Rep. by his mother,
Loganayaki, 4th respondent

...Respondents



Prayer: This Second Appeal is filed under Section 100 of Civil Procedure Code praying to set aside the Judgment and Decree in A.S.No.8/2015 dated 29.03.2021 on the file of the Subordinate Court, Tiruvallur in confirming the Judgment and Decree in O.S.No.329 of 2010 dated 31.10.2014 on the file of the Additional District Munsif Court, Tiruvallur.

For Appellants : Mrs.V.Srimathi

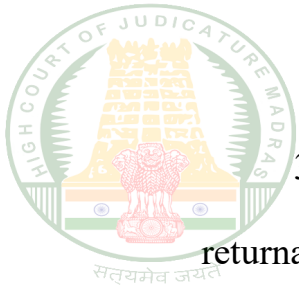
ORDER

Heard the learned counsel for the Appellants.

2. This Second Appeal is admitted on the following substantial questions of law:

“(i) When the property had been settled under Ex.B5 & B6 in favour of Tmt.Saraswathi even prior to the institution of suit, whether the non-impleading of the party to the proceeding is not fatal and amounts to non-joinder of necessary parties?

(ii) Whether the burden to establish title does not rest on the plaintiffs and on the facts of the case when the plaintiffs have not proved their title, should not the Courts below dismissed the suit as unproved?”



3. Issue notice to the respondents through Court as well as privately, returnable by 19.01.2026.

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4. List the case on 19.01.2026. The execution of Decree dated 31.10.2014 in O.S.No.329 of 2010 passed by the learned Additional District Munsif, Tiruvallur alone is stayed till 19.01.2026.

12.12.2025

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

1.Subordinate Court,
Tiruvallur

2.Additional District Munsif Court,
Tiruvallur.



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T.V.THAMILSELVI, J.

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