



S.A.No.727 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.11.2025

PRESENT:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

S.A. No. 727 of 2014

1.Raja Reddy,
S/o.Ramareddy

2.Krishna Reddy,
S/o.Ramareddy

Both are residing at
Madivanam Village,
Nallur Post,
Hosur Taluk,
Krishnagiri District.

...Appellant

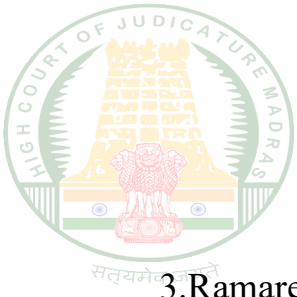
Vs.

1.Raj A.Mende
S/o.Arjun Mende

2.Manoj A.Mende,
S/o.Arjun Mende,

Both are residing at
No.45/1, Fare Field Layout,
Race Course Road,
Bangalore – 1.

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3.Ramareddy,
S/o.Munisamyreddy,
Madivanam Village,
Nallur Post,
Hosur Taluk,
Krishnagiri District.

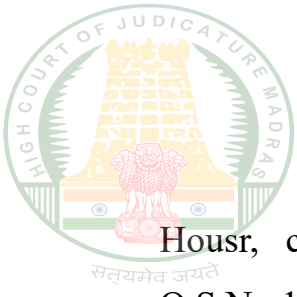
4.Ravichandra Reddy,
S/o.Nanja Reddy,
HIG-96, Phase IV, Avalapalli,
HUDCO, Hosur,
Krishnagiri District.

5.Gummareddy,
S/o.Guruvareddy,
No.2/894, Muneeswar Nagar,
Bagalur Road,
Hosur,
Krishnagiri District.

6.Srinivasa Reddy,
S/o.Ramareddy,
No.775-B, Srinivasa Nilayam,
Annaiappa Layout,
Konena Agraharam,
HAL Post, Bangalore,
Karnataka State.

...Respondents

PRAYER: Second Appeal filed against the Judgment and Decree dated 23.01.2013 passed in A.S.No.26 of 2010 on the file of the Subordinate Judge,



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Hosur, confirming the Judgment and Decree dated 30.07.2010, passed in O.S.No.104 of 2002, on the file of the District Munsif Court, Hosur.

For Appellants : Mr.K.Govi Ganesan, Advocate.

For Respondents : Mr.N.Ramesh, Advocate for R1, R2, R4 & R5.

R3 & R6 – served – No appearance.

J U D G M E N T

Heard.

2.This Second Appeal is filed against the judgment and decree of the first appellate Court, the Subordinate Judge, Hosur, in A.S. No.26 of 2010 dated 23.01.2013, confirming the judgment and decree of the trial Court, the District Munsif, Hosur, in O.S. No.104 of 2002 dated 30.07.2010.

3.For the sake of convenience parties are referred to by the rank as they stood before the trial court. The 2nd and 3rd plaintiffs are the appellants in this Second appeal. The 1st plaintiff stood transposed as 6th defendant in the suit during the pending suit.



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4.The plaintiffs 2 and 3 having lost before both Courts, filed the suit O.S. No.104 of 2002 seeking declaration of title and permanent injunction in respect of the property comprised in S.Nos.458/2A1 and 459/3. The admitted position is that the suit properties were purchased by the 3rd defendant (father of the plaintiffs) under Ex. B3 dated 28.09.1959. The plaintiffs claimed that the purchase was made out of joint family funds and that, under an alleged oral partition in 1980, the suit properties were allotted to their share. They relied on UDR pattas (Ex. A1 and Ex.A2) to support the alleged oral partition.

5.The 3rd defendant, however, executed a settlement deed in favour of his daughter under Ex. B5, and subsequently, the 3rd defendant and his daughter jointly conveyed the property to defendants 1 and 2 under Ex. B4 dated 22.10.1986. Challenging these transactions, the suit came to be filed.

6.Both Courts below rejected the plaintiffs' case after holding that the plaintiffs had failed to prove that the suit properties were joint family properties.



When a party alleges that a purchase in the name of the father was made out of

joint family nucleus, the initial burden squarely lies on such party to establish:

- i.what constituted the joint family nucleus,
- ii.what income was derived from it,
- iii.whether such income was sufficient to acquire the suit property after meeting family expenses, and
- iv.what properties, if any, were allotted to the father in the alleged oral partition.

7.The plaintiffs have not produced any evidence on these essential elements.

In the absence of proof of joint family nucleus, the inevitable conclusion is that the suit properties are the self-acquired properties of the 3rd defendant. Once it is established that the suit properties are the self-acquired properties of the 3rd defendant, the plea of oral partition put forth by the plaintiffs, allegedly entered into with the 3rd defendant, collapses on its own and cannot stand, and therefore the settlement deed (Ex. B5) and subsequent sale deed (Ex. B4) executed by him and his daughter are valid and binding.

8.The reliance on UDR pattas does not help the plaintiffs. A patta does not confer title, and the mere fact that the patta was issued earlier in time does not

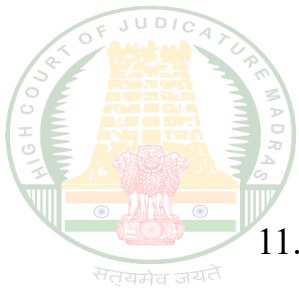


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defeat the lawful conveyance made by the true owner. The contention regarding non-examination of the 3rd defendant is also untenable. The 3rd defendant had alienated the property long before the suit, and the purchasers (defendants 1 and 2), as assignees, step into his shoes. Their evidence is sufficient to support their title.

9. Having thus failed on all material issues before the Courts below, the appellants have now approached this Court in the present Second Appeal. However, the memorandum of grounds merely challenges the factual findings concurrently rendered by both Courts. Under the heading “substantial questions of law,” no legal issue has been framed; instead, only disputed questions of fact have been repeated.

10. It is well settled that under Section 100 CPC, a Second Appeal lies only when the case involves a *substantial question of law*. This Court cannot embark upon a reappreciation of evidence unless the findings are shown to be perverse, contrary to law, or based on no evidence at all.



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11.Upon a careful and independent scrutiny of the entire records, this Court

finds that the concurrent findings are:

- i.supported by the pleadings and evidence,
- ii.based on correct legal principles governing joint family properties and burden of proof,
- iii.neither arbitrary nor perverse.

12.There is no misapplication of law nor any perversity demonstrated by the appellants. Therefore, no substantial question of law arises for consideration in this Second Appeal.

13.In view of the above discussion, the Second Appeal stands dismissed at the admission stage itself. There shall be no order as to costs. Consequently, the connected miscellaneous petition, if any, stands closed.

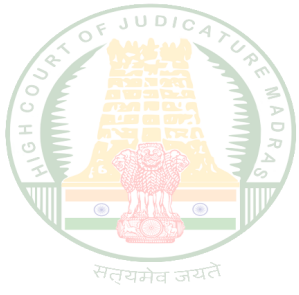
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Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order



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DR. A.D. MARIA CLETE, J

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To

1.The Subordinate Judge, Hosur.

2.The District Munsif, Hosur.

3.The Section Officer,
V.R.Section,
High Court of Madras.

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Dated: 26.11.2025