



WEB COPY



S.A.No.433 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.No.433 of 2025
and
C.M.P.No.14028 of 2025

Muthulakshmi (died)

1.Gunasekaran

2.Manickam

3.Mohanasundaram

... Appellants

vs.

Sengottaiyan (died)

1.M.S.Selvaraj

2.Mohanraj

3.Vijayakumar

4.Sathishkumar

5.Anitha

6.Mehala

... Respondents



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PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 23.01.2025 made in A.S.No.37 of 2020 on the file of the learned Second Additional District Court, Tiruchengode confirmign the judgment and decree dated 08.01.2020 made in O.S.No.366 of 2008 on the file of the learned Sub Court, Tiruchengode.

For Appellants : Mr.N.Manoharan

ORDER

The Second Appeal is admitted on the following substantial questions of law:-

“(i) Have not the Courts below erred in holding that the 1st defendant, then minor is the absolute owner of the suit item 2 by virtue of a Settlement Deed dated 28.08.1956 (Ex.A14 = Ex.B6), when the construction of the recitals therein would prove otherwise?”

“(ii) Have not the Courts below went wrong in dismissing the suit in respect of item 1, which is a self-acquired property of M.S.Subramanian Gounder, when there is no contra evidence to prove the surplus income from the suit item 2 to purchase the suit item 1 under Ex.A1 dated 19.12.1974.?”

2. Notice to the respondents, returnable by six weeks. Private notice is also permitted.



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

below.

4. List the matter after six weeks.

29.04.2026

dm

To

1.The Second Additional District Court,
Tiruchengode.

2.The Sub Court,
Tiruchengode.



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S.SOUNTHAR, J.

dm

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