



WEB COPY

SA No. 17 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 17 of 2026

AND

CMP NO. 270 OF 2026

1. K.Balasubramani
S/o.Late Kuppusamy, D.No.1/518,
Paramathi Road, Kavettipatti,
Namakkal Tk, Namakkal Dist.

Appellant(s)

Vs

1. B.Anand
S/o.K.Balasubramani, D.NO.1/184,
Kavettipatti, Namakkal Tk and Dist.

2.Nallammal
W/o.Late Kuppusamy, D.NO.1/184,
Kavettipatti, Namakkal Tk and Dist.

3.Dhanalakshmi
W/o.Sadasivam, H-1/139, Housing
Board Colony, Rasipuram Tk,
Namakkal Dist.

Respondent(s)

SA No. 17 of 2026

PRAYER

To against the judgment and decree of the Learned Principal Subordinate Judge, Namakkal dt. 07.03.2025 made in IA No.1 of 2022 in AS No.35/2022 reversing that of the Additional District Munsif, Namakkal dt. 24.02.2022 made in OS No.228/2018

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For Appellant(s): I Abrar Mohamed Abdullah



S.Saravanakumar
C.Gunasekaran

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For Respondent:

ORDER

Challenging the judgment and decree of the Learned Principal Subordinate Judge, Namakkal dated 07.03.2025 made in IA No.1 of 2022 in AS No.35/2022 reversing that of the Additional District Munsif, Namakkal dated 24.02.2022 made in OS No.228/2018, the appellant/plaintiff filed this Second appeal.

2. The learned counsel for the appellant/plaintiff submits that DW1 has categorically admitted the suit property is an ancestral one. However, without considering the above fact the first appellate Court reversed the findings of the Trial Court. Hence, he prays to admit this appeal.

3. This Second appeal is admitted on the following substantial questions of law:

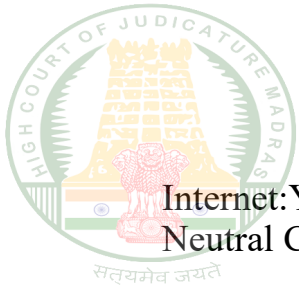
i. Whether the lower appellate Court was right in holding that the property inherited from paternal ancestors become self-acquired and not co-parcenary in view of the specific admission made by DW1?

ii. Whether the lower appellate Court was right in refusing the relief of injunction against a co-sharer when it has been categorically admitted by the adverse party that the plaintiff is residing in the same ?

4. Issue notice to the respondents returnable by 12.03.2026. Private notice is also permitted. Post the matter on 12.03.2026 along with S.A No. 477 of 2025.

19-01-2026

Pbl
Index:Yes/No
Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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T.V.THAMILSELVI J.
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