

SA.No.696 of 2025
and CMP.No.25421 of 2025

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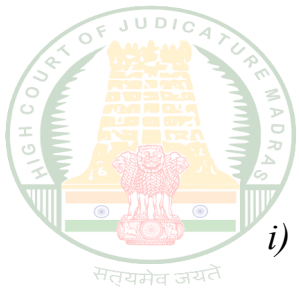
T.V.THAMILSELVI, J.

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

2. The learned counsel for the appellants submits that before the Trial Court, the respondent/plaintiff filed a suit for declaration without claiming any relief for recovery of possession, even though the appellants/defendants are in possession of the property from the date of purchase in the year 1989. Though the suit was filed in the year 2008, the plaintiff failed to claim the proper relief, in the absence of which, the Court below erroneously granted the relief, which is not legally maintainable.

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

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i) *Whether the Courts below are correct in law in decreeing the*

suit for declaration of title in the absence of prayer for

recovery of possession when the plaintiff is out of possession of

the suit property?

ii) *Whether the Courts below are correct in law in decreeing*

the suit for declaration of title when the 1st respondent/plaintiff

had filed to file the suit within 12 years from the date of his

purchase under exhibit A2 dated 05.10.1998 and the same is

barred by limitation as per Section 27 and Article 65 of the

Limitation Act?

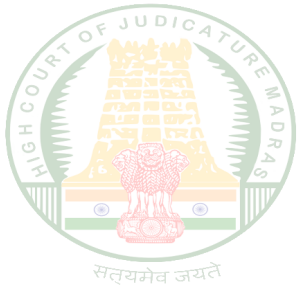
iii) *Whether the Courts below are correct in law in directing*

the suit in spite of the admission of the PW1 that suit property

is ancestral property of Mr.Narayanan and the said evidence is

not admissible as per Section 17 of the Evidence Act and Order

12 Rule 6 of CPC?



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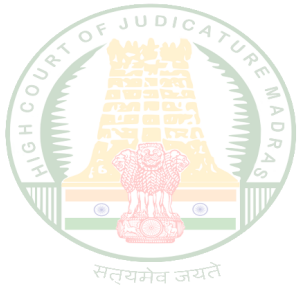
4. List the appeal on 04.02.2026.

5. The Registry is directed to call for the entire records from the

Courts below concerned.

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