



SA No. 818 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 818 of 2025

AND

CMP No. 31194 of 2025

1. T.Sivaraj
S/o.Thimman, Malai Adivaram of
Seerangamvattam, Nayana Seruvu
Village and Post via, Natrampalli Tk,
Vellore Dist.

Appellant(s)

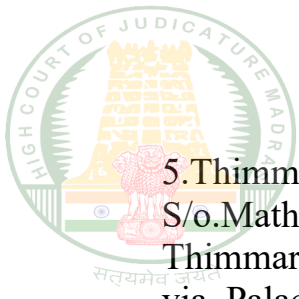
Vs

Rukku (Died)
1.Mageswari
D/o.Late Raji, Narayanaseruvu Village
and Post via, Natrampalli, Natrampalli
Tk, Vellore Dist.

2.Lakshmi
D/o.Late RAji, Narayanaseruvu Village
and Post via, Natrampalli, Natrampalli
Tk, Vellore Dist.

3.Sanjeevi
S/o.Late Raji, Narayanaseruvu Village
and Post via, Natrampalli, Natrampalli
Tk, Vellore Dist.

4.Sudhakar
S/o.Late Raji, Narayanaseruvu Village
and Post via, Natrampalli, Natrampalli
Tk, Vellore Dist.



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5.Thimman

S/o.Mathan alias Thathan, Chinna
Thimmarayan Halli Village and Post
via, Palacode, Dharmapuri Dist.

6.T.Sivalingam

S/o.Thimman, Chinna Thimmarayan
Halli Village and Post via, Palacode,
Dharmapuri Dist.

7.T. Gowriammal

D/o.Thimman, W/.Thamappan, Chinna
Thimmarayan Halli Village and Post
via, Palacode, Dharmapuri Dist.

Respondent(s)

CMP No. 31194 of 2025

1. T.Sivaraj

S/o.Thimman, Malai Adivaram of
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Village and Post via, Natrampalli Tk,
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Appellant(s)

Vs

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4.Sudhakar

S/o.Late Raji, Narayanaseruvu Village



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and Post via, Natrampalli, Natrampalli
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PRAYER

To set aside the Judgment and Decree dated 23.6.2025 in AS.No. 1/2019 on the file of the Learned District Judge, Tirupattur, reversing the Judgment and Decree dated 12.10.2018 in OS.NO. 86/2013 on the file of the Learned Subordinate Judge, Tirupattur.

CMP No. 31194 of 2025

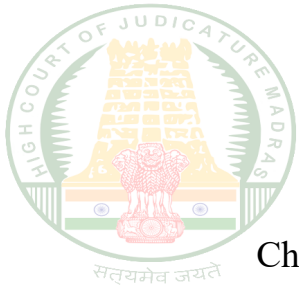
PRAYER

To grant an order of ad-interim injunction, restraining the Respondents 1 to 4 from alienating or in any way dealing with the properties mentioned in OS.No. 86/2013 on the file of the Learned Subordinate Judge, Tirupattur.

SA No. 818 of 2025

For Appellant(s): R.Selvakumar
S.Sridevi

For Respondent:

**ORDER**

Challenging the reversal findings of the 1st appellate Court, the plaintiff has filed the present Second Appeal.

2. The learned counsel for the appellant would submit that the 1st appellate Court's finding regarding attestation by the 1st defendant in the Ex.B10, (when LTI or Signature) is an established dispute, applying the rules of privileges document as adumbrated under Section 90 of the Indian Evidence Act, is not correct and not sustainable in law and further, the defendants 4 to 8 have not proved the 2nd marriage of Mathan @ Thathan through whom they allege derivation of title.

3.It has been further submitted that while the Trial Court's finding regarding the plaintiff could claim only in the remaining ½ share of the suit properties, after ½ share of the suit properties had been sold inter-se defendant's forefathers and the defendant, the Appellate Court has dismissed the suit entirely. Hence, he seeks interim stay restraining the respondents 1 to 4 from alienating the suit properties, being subject matter of the Judgment and Decree dated 23.06.2025 in A.S. No.1 of 2019 on the file of the learned District Judge, Tirupattur.

4.Admit.



5. This Appeal has been admitted on the following substantial questions of law.

1) *Whether the Judgment and Decree granted by the Appellate Court, is not illegal, when the claim of the defendants 4 to 8 is based on the 2nd marriage of Mathan @ Thathan, through whom they allege derivation of title, without establishing the 2nd marriage?*

2) *Whether the Appellate Court's finding regarding attestation by the 1st defendant in the Ex.B10 (when LTI or Signature), is an established dispute, applying the rules of privileges document as adumbrated under Section 90 of the Indian Evidence Act, is not correct and not sustainable in law?*

3) *Whether the Appellate Court is right in dismissing the suit in its entirety, when a finding has been rendered that the plaintiff's share could be claimed only in the remaining 1/2 share of the suit properties, after 1/2 share of the suit properties had been sold inter-se defendant's forefathers and the defendant?*



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6. Issue notice to the respondents returnable by 22.01.2026. Private

Notice is also permitted. Further, the Registry is directed to call for the entire records from the Courts below concerned.

7. Having considered the facts and circumstances of the case and submissions of the learned counsel for the appellants, there shall be an order of interim stay till 22.01.2026.

8. Post the matter on 22.01.2026.

11-12-2025

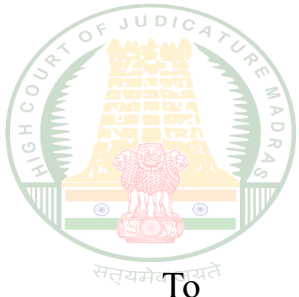
Lbm

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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T.V.THAMILSELVI J.

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