



WEB COPY

SA No. 803 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 803 of 2025

AND

CMP NO. 30374 OF 2025

1. BALACHANDHAR

S/o Natarajan, D.No.3/29, Paramakadu
Thottam, Karukampalayam Post,
Avinashi Taluk, Tiruppur District

Appellant(s)

Vs

1. K.N.Subramaniam

S/o Late Nataraja gounder, D.No.3/74,
Paramakadu Thottam,
Karukampalayam, Chinneri Palayam
Village, Avinashi Taluk

2.MUTHATHAAL

W/o Late Nataraja gounder, D.No.3/74,
Paramakadu Thottam,
Karukampalayam Post, Avinashi Taluk
Tiruppur District

3.SIVAGAMI

W/o Ramasamy, D.No.1/18, Rayar
Palayam, Nambiyampalayam, Avinashi
Taluk, Tiruppur District

4.RAMATHAL

W/o Palanisamy, D.No.7/79,
Alangaattu Palayam, Vettuvapalayam
Post, Avinashi Taluk, Tiruppur District

5.LAKSHMI



W/o Kumaravel, D.No.1/17,
Valayapalayam, Chinneripalayam,
Avinashi Taluk, Tiruppur District

6.PAZHANATHAL

W/o Nanjappan, D.No.3/22,
Karukampalayam Post, Avinashi Taluk
Tiruppur District

7.SAKTHIVEL

S/o Nanjappan, D.No.3/22,
Karukampalayam Post, Avinashi Taluk
Tiruppur District

8.DHANALAKSHMI

W/o Arumugam, D.No.3/169A2, North
Street, Rayam Palayam, Kaikatti ,
Avinashi Taluk Tiruppur District

9.PALANISAMY

S/o Kaliyannan, D.No.71/22, No.5,
Masaniamman Kovil Street,
Mettupalayam, Coimbatore District

10.KRISHNAMOORTHY

S/o Kaliyanna Gounder, D.No.5/126,
Ottangkadu Thottam,
Thirumalaigoundanpalayam Post,
Kuttagam, Avinashi Taluk Tiruppur
District

11.ESWARI

W/o Vishvanathan, D.No.30,
Lakshmana Street, Ganapathipalayam,
Alukkuli, Erode District

12.MUTHAMMAL

W/o Muruges, D.No.15-4, Avinashi
Street 2, Ramanathapuram,
P.Puliyampatti, Erode

13.RANGASAMY

S/o Nanjappa Gounder, D.No.19/11,
Muthuvinayagar Kovil St, Punjai
Puliyampatti



14.SARASWATHI

W/o Krishnamoorthy, D.No.5/126,
Ottangkadu Thottam,
Thirumalaigoundanpalayam Post,
Kuttagam, Avinashi Taluk Tiruppur
District

15.SARASWATHI

W/o Arunachalam, D.No.14/1,
Vadamangala Karai Amsapuram,
Karamadai, Mettupalayam, Coimbatore

16.GUNASEKAR

S/o Arunachalam, D.No.14/1,
Vadamangala Karai Amsapuram,
Karamadai, Mettupalayam, Coimbatore

17.SANGEETHA

W/o Balasubramaniam, D.No.2/88,
Mariyamman Kovil Street,
Kurumpalayam Coimbatore

18.PADMAVATHI

W/o Ramasamy, D.No.3/10,
Kandampalayam, Sambinallur Post,
Avinashi Tiruppur

19.SARASWATHI

W/o Vijayakumar, D.No.3/10,
Kandampalayam, Sambinallur Post,
Avinashi Tiruppur

20.SUBRAMANIAM

S/o Ramasamy Gounder, D.No.3/10,
Kandampalayam, Sambinallur Post,
Avinashi Tiruppur

21.NATARAJAN

S/o Ramasamy Gounder, D.No.3/29,
Paramakadu Thottam,
Karukampalayam Post, Avinashi Taluk,
Tiruppur District

22.RAMAMURTHY



S/o Natarajan, D.No.83, Gandhi Road,
Anupurpalayam, Tiruppur

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Respondent(s)

PRAYER

To set aside the Judgement and Decree Dated 10.07.2025 made in AS.No.65 of 2023 on the file of Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, reversing the fair and final order dated 27.04.2022 made in IA.No.840 of 2022 in OS.No.41 of 2021 on the file of the Subordinate Judge, Avinashi and to allow the second appeal

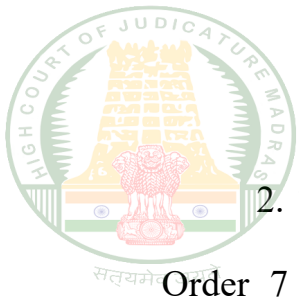
SA No. 803 of 2025

For Appellant(s): V.Anandhamoorthy
S.Kousik
S.kuberan

For Respondent(s): M.SARAVANAKUMAR For
Caveator R1
A.lakshminarayanan
P.murali

ORDER

This second appeal has been filed to set aside the Judgement and Decree Dated 10.07.2025 made in AS.No.65 of 2023 on the file of Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, reversing the fair and final order dated 27.04.2022 made in IA.No.840 of 2022 in OS.No.41 of 2021 on the file of the Subordinate Judge, Avinashi and to allow the second appeal.



2. The respondent herein filed an application to reject the plaint under Order 7 Rule 11 CPC and the same was dismissed by the Trial Court.

Challenging the same, the plaintiff filed the appeal before the first appellate court and the same was allowed by holding that there is mixed question of law and facts involved in the case, the same can be decided only after Trial. Aggrieved over the same, the 22nd defendant/appellant herein filed this second appeal.

3. Heard the submission of the learned counsel for the appellant and caveator.

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

i. Whether the first appellate court was right in law in setting aside the Trial court's Well reasoned order rejecting the plaint under Order 7 Rule 11 (a) (d) CPC, despite the plaint itself disclosing that the suit is hopelessly barred by limintation and law ?

ii. Whether the appellate Court was correct in law in accepting the plea of an alleged oral arrangement in the face of registered partition and settlement deeds, in violation of Sections 91 and 92 of the Indian Evidence Act, 1872 ?

iii. Whether the appellate Court's finding of joint possession is perverse and contrary to documents on record, when the defendants 20 to 22 are admittedly in separate possession pursuant to the 1985 partition and 2010



settlement deeds ?

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5. Post the matter on 13.01.2026, till then, judgement and decree passed in AS.No.65 of 2023 on the file of Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, is ordered to be stayed.

6. Issue notice to the respondents 2 to 22 returnable y 13.01.2026. Private notice is also permitted. Post the matter on 13.01.2026.

05-12-2025

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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