



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

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CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 39 of 2026

Viswanathan

S/o.Arivandan,

No.105, A/1, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

Chennai - 600 049.

..Appellant(s)

Vs

1. S. Govindarajan

S/o.Soundarajan,

No.105, A/6, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

Chennai - 600 049.

2. Charulatha

W/o.Govindarajan,

No.105, A/6, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

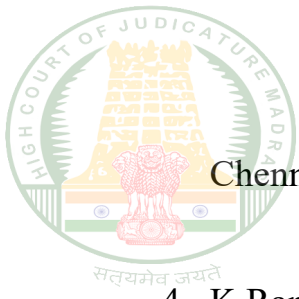
Chennai - 600 049.

3. A.Narayanan

S/o.Arumugam,

No.105, A/2, Perumal Koil South Mada Street,

2nd Lane Villivakkam,



Chennai - 600 049.

4. K.Ramesh

S/o.Krishnamurthy,

No.105, A/3, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

Chennai - 600 049.

5. L.Raji Bai

No.105, A/4, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

Chennai - 600 049.

6. G.Shanthi

W/o.Ganesan,

No.105, A/7, Perumal Koil South Mada Street,

2nd Lane Villivakkam,

Chennai - 600 049.

7. K.K.Suresh Kumar

No.105, A/8,

Perumal Koil South Mada Street,

2nd Lane Villivakkam,

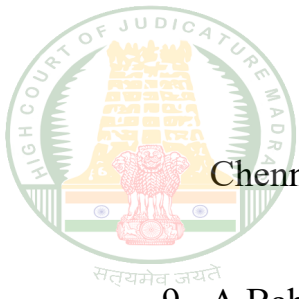
Chennai - 600 049.

8. A.Srinivasan

S/o.P.Arunachalam,

No.105, A/1, Perumal Koil South Mada Street,

2nd Lane Villivakkam,



Chennai - 600 049.

9. A.Babu

S/o. Powl, No.105, A/1,
Perumal Koil South Mada Street,
2nd Lane Villivakkam,
Chennai - 600 049.

10. Y.K.Geetha

W/o.P.Babu, No.105, A/1,
Perumal Koil South Mada Street,
2nd Lane Villivakkam,
Chennai - 600 049.

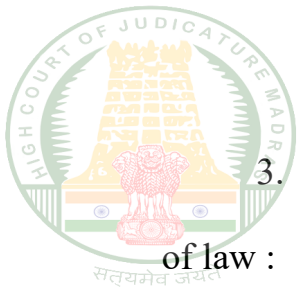
..Respondent(s)

For Appellant(s):	MR.M.Devaraj
For Respondent(s):	No appearance

ORDER

Challenging the reversal finding of the first appellate Court, the present second appeal has been filed by the defendant.

2. The learned counsel appearing for the appellant would submit that the Courts below have failed to appreciate the facts with regard to grounds 2 and 4 and hence the same require interference of this Court.



3. The Second Appeal is admitted on the following substantial questions

of law :

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(a). Whether the Courts below are right in partly decreeing the suit when there is a clear admission by the plaintiff that the entire area in front of the defendant house in the southern portion belongs to the defendant?

(b). Whether the appellate court is right in invoking Section 6 of the Tamil Nadu Apartment Ownership Act in the absence of any pleading or any evidence to show that the property comes under the said Act?

(c) Whether the appellant is having the right to protect his property without obstructing the enjoyment of the other co-owners.?

4. Notice.

5. Post the matter on 23.03.2026.

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T.V.THAMILSELVI, J.

DN

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