



SA No. 142 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 142 of 2026

1. Selvaraj

S/o. Perumalsamy, 928, Munukattiyur,
Periyaputhur Post, Vadavalli, Annur
Taluk, Coimbatore District. and another

2. P. Ragunathan

S/o. Perumalsamy, 928, Munukattiyur,
Periyaputhur Post, Vadavalli, Annur
Taluk, Coimbatore District.

Appellant(s)

Vs

1. M. Palanisamy Gounder

S/o. Muthu Gounder, Naatankaadu,
Munukattiyur, Periyaputhur Post,
Vadavalli, Annur Taluk, Coimbatore
District.

2.M. Marappa Gounder

S/o. Muthu Gounder, Naatankaadu,
Munukattiyur, Periyaputhur Post,
Vadavalli, Annur Taluk, Coimbatore
District.

3.P. Saraswathi @ Sarasammla

W/o. Palanisamy Gounder,
Naatankaadu, Munukattiyur,
Periyaputhur Post, Vadavalli, Annur
Taluk, Coimbatore District.

4.P. Ramasamy

S/o. Palanisamy Gounder,
Naatankaadu, Munukattiyur,



Periyaputhur Post, Vadavalli, Annur
Taluk, Coimbatore District.

5.Chinnakanna

S/o. Palanisamy Gounder,
Naatankaadu, Munukattiyur,
Periyaputhur Post, Vadavalli, Annur
Taluk, Coimbatore District.

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgement and Decree made dated 15.04.2025 made in As No.147 of 2019 on the file of Ld. I Additional Subordinate Judge, Coimbatore in reversing the Judgement and Decree dated 23.04.2019 made in OS No.1028 of 2016 on the file of Ld. V Additional District Munsif Judge, Coimbatore.

For Appellant(s): Mr.N.Ponraj

ORDER

Challenging the reversal finding of the first appellate Court, the present Second Appeal has been filed by the plaintiffs.

2. Heard the learned counsel for the appellants and perused entire materials available on record.

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



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1] Whether the first appellate Court is right in law by arriving at the conclusion that the suit for permanent injunction is not maintainable for want of declaratory relief?

2] Whether the first appellate Court erred in law by shifting the burden of proof into the appellants to disprove the respondents' alleged possession over 0.94 acres, contrary to sections 10-103 of the Indian Evidence Act?

3] Whether the first appellate Court is justified in law in holding that the appellants ought to have sought declaration of title, when the respondents themselves admitted that the appellants were in possession of 11.10 acres and disputed only a portion of the suit property?

4. Notice to the respondents returnable by 09.04.2026. Private notice is also permitted.

17-02-2026

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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