

SA No. 799 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 799 of 2025
and CMP.No.30336 of 2025**

Rani

Appellant(s)

Vs

1. Saravanan

2.Kalaimani

3.Kumar

4.Murugesan

5.Subramanian

6.Krishnamurthy

7.Kalyanasundaram

8.Padmavathi

9.Kothandaraman

10.Vijayalakshmi

11.Rajalakshmi

12.Murugadoss

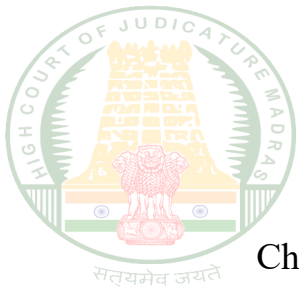
13.Dhanalakshmi

14.Baskar

Respondent(s)

For Appellant(s): Mr.A.Muthukumar

For Respondent(s): Mr.M.G. Gokul Krishnan,
For R1 And R2



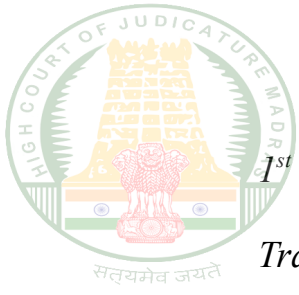
ORDER

Challenging the findings of the Court below in respect of passing of final decree in I.A.No.103 of 2006 in OS.No.348 of 1997, the fourth respondent in I.A. has preferred this appeal on following grounds:

- i) The Courts below erred in law in not deciding the rights of the parties with respect to all the subject matter of suit once for all and relegating the appellant to a separate proceeding with regard to the balance extent of 5 ¼ kuzhis in the 1st item of suit 'B' schedule property.*
- ii) The Court below having accepted the case of the 4th respondent/appellant with regard to her 5 ¼ kuzhis of property in the 1st item of suit 'B' schedule property ought to have adjusted the same with the other properties in the suit itself.*
- iii) The Courts below ought to have allotted the entire share of the deceased 1st defendant in the 2nd item of suit 'B' schedule property to the plaintiffs instead of allotting 5 ¼ kuzhis of property in the 1st item of suit 'B' schedule property.*

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

- i) Whether the Courts below erred in relegating the appellant to a separate proceedings for the balance extent of 5 ¼ kuzhis in the*



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1st item of suit 'B' schedule property when Section 51 of the Transfer of Property Act mandates that the same shall be determined in the given proceedings itself?

ii) When the appellant has purchased only 1337 ½ sq.ft. in the 1st item of suit 'B' schedule out of 1728 sq.ft. from the deceased 1st defendant, whether the Courts below erred in law in allotting only 4 kuzhis to her and rest of 8 kuzhis to the plaintiffs?

4. Issue notice to the respondents, returnable by 22.01.2026.

5. Post the appeal on 22.01.2026.

6. Till then, final decree passed in I.A.No.103 of 2006 is ordered to be stayed.

04-12-2025

pvs

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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T.V.THAMILSELVI J.
pvs

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