



WEB COPY

SA No. 768 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

SA No. 768 of 2025

K. Ramasamy Gounder (Died)
R.Kamalam (died)

1.R.SENTHIL
2. R. Sivakumar

Appellant(s)

Vs

1. K. Chinnaraj @ Velusamy
2.V. Jayamma @ Palaniammal @
Jeyammal
3.V. Saravanan
4.V. Senthilkumar
5.V. Sathishkumar

Respondent(s)

PRAYER

To set aside the Judgement and decree dated 18.09.2025 made in AS No.10 of 2021 on the file of the Ld. Additional Sub Court Tiruppur reversal of the Judgement and decree dated 19.08.2021 made in OS No.20 of 2011 on the file of the Ld. Additional District Munsif Court, Tiruppur by allowing this Second



Appeal and thus render justice.

For Appellant(s): Mr. N. MANOHARAN

For Respondent(s): Mr.R.Saseetharan

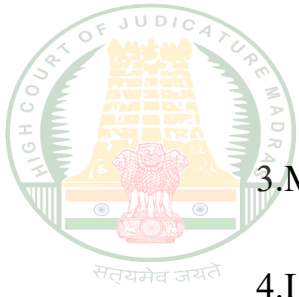
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ORDER

The second appeal is admitted and the following substantial questions of law are framed.

i. Whether the First Appellate Court erred in holding that Ex.A2 sale deed is hit by lis pendens, even though such a sale is not void per se and the 1st plaintiff being an innocent and bonafide purchaser is entitled to protect his title over the 'B' schedule in O.S.No.417 of 1973 by way of equity at any stage?

ii. When the counter claim in O.S.No.20 of 2011 and the appeal suit in A.S.No.8 of 2021 filed by the defendants were dismissed, whether the learned First Appellate Court is legally justified in granting liberty to the defendants to file a separate suit, in the absence of a prayer to that effect under Order 23 Rule 1 (3) CPC, unmindful of the bar of limitation under Order 23 Rule 2 CPC.



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3.Mr.R.Saseetharan learned counsel takes notice for the respondents.

4.List the case on 05.12.2026.

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vsn



To

1.K. Chinnaraj @ Velusamy
S/o.T.K.Krishnasamy, 138/5,
Ezardaragalli, Davanagere, Karnataka
State

2.V. Jayamma @ Palaniammal @
Jeyammal
W/o. K. Chinnaraj @ Velusamy, 36,
Emai Nest Flat, 201, 16th Cross, 8th
Main Road, Malleshwaran 560055.
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3.V. Saravanan
S/o. K. Chinnaraj @ Velusamy, 36,
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4.V. Senthilkumar
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5.V. Sathishkumar
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**K.GOVINDARAJAN
THILAKAVADI J.**

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