



SA No. 813 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 813 of 2025

AND

CMP No. 30892 OF 2025

Rajendiran
S/o. Manickam, Melmaruvathur Village
Colony, Cheyyar Taluk, Kancheepuram
District.

Appellant(s)

Vs

1. Gopal (Died), Veerasamy (Died), 1.
SAMUTHIRAM
W/o. Gopal, Ambeklar Street,
Melmaruvathur Colony, Melmaruvathur
Post, Cheyyur Taluk, Kancheepuram
District. Arumugham (Died), Sankar
(Died)

2.Kuppammal
W/o. Arumugham, Ambeklar Street,
Melmaruvathur Colony, Melmaruvathur
Post, Cheyyur Taluk, Kancheepuram
District. Muniyammal (Deleted as per
A.S. Decree)

3.S. Anandi
D/o. Gopal, Melmaruvathur Village and
Post, Cheyyar Taluk, Kancheepuram
District.

4.R. Janaki
D/o. Gopal, Melmaruvathur Village and
Post, Cheyyar Taluk, Kancheepuram
District.

5.Padma



W/o. Veerasamy, Melmaruvathur
Village and Post, Cheyyar Taluk,
Kancheepuram District.

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6.Viji
D/o. Veerasamy, Melmaruvathur
Village and Post, Cheyyar Taluk,
Kancheepuram District.

7.Sangeetha
D/o. Veerasamy, Melmaruvathur
Village and Post, Cheyyar Taluk,
Kancheepuram District.

8.Anandhee
D/o. Sankar, Melmaruvathur Village
and Post, Cheyyar Taluk,
Kancheepuram District.

9.Minor Sandhiya
D/o. Sankar, Melmaruvathur Village
and Post, Cheyyar Taluk,
Kancheepuram District. Minor rep. by
mother Anandi.

10.Minor Shanmughapriya
D/o. Sankar, Melmaruvathur Village
and Post, Cheyyar Taluk,
Kancheepuram District. Minor rep. by
mother Anandi.

11.Kuppammal
W/o. Arumugham, Melmaruvathur
Village and Post, Cheyyar Taluk,
Kancheepuram District.

12.Venkatesan
S/o. Arumugham, Melmaruvathur
Village and Post, Cheyyar Taluk,
Kancheepuram District.

Respondent(s)

CMP No. 30892 of 2025

Rajendiran



S/o. Manickam, Melmaruvathur Village
Colony, Cheyyar Taluk, Kancheepuram
District.

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Respondent(s)

SA No. 813 of 2025

PRAYER

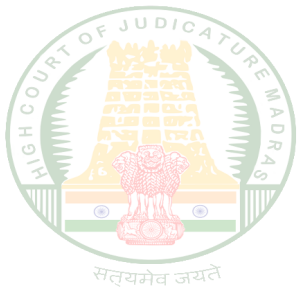
To against the judgment and decree dated 04.08.2025 made in A.S.No.13/2015 passed by Sub Court Maduranthagam, reversing the judgment and decree dated 13.08.2014 made in O.S.No.92/2009 passed by District Munsif Court Maduranthagam.

CMP No. 30892 of 2025

PRAYER

To restrain the respondent from putting up any construction over the following suit schedule properties mentioned in O.S.No.92/2009 on the file of the District Munsif Court, Maduranthagam, pending disposal of the above Second Appeal.

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For Appellant(s): B.Jawahar
B. Yoga Priya

For Respondent:

ORDER

Challenging the reversal findings of the Courts below, the plaintiff has preferred this appeal.

2. The learned counsel for the appellant would submit that the first Appellate Court erroneously held that the suit properties are not in a single unit piece of land comprised in S.No.142/9 situated far away from the other Survey numbers. The said finding is unwarranted since the boundaries prevail over the survey numbers. Further, the First Appellate Court has failed to see that it is not mandate for filing the suit for recover of possession as against the present defendants who are the strangers of the plaintiff, that the plaintiff has to get the consent of the sisters or ought to have been included the suit property in Ex.A11.

3. He would further submit that the plaintiff failed to prove, how he acquired title from his father who was the purchaser under Ex.A1, whereas the plaintiff being one of the natural legal heir has derived title from his father. Hence, he seeks interim stay for restraining the respondent from putting up any construction over the following suit schedule properties mentioned in



O.S.No.92/2009 on the file of the District Munsif Court, Maduranthagam,
pending disposal of the above Second Appeal.

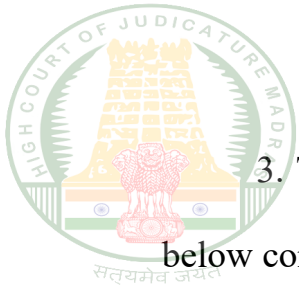
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2. The appeal has been admitted on the following substantial questions of law.

1) Whether the lower appellate Court is right in dismissing the suit on the ground that the decree cannot be executable since new survey numbers were not mentioned in the suit schedule by overlooking the undisputed four boundaries of the suit property mentioned in the plaint?

2) Whether the Judgment of lower appellate Court is perverse in holding that the plaintiff failed to plead and establish that he is having the title over the land comprised within the four boundaries mentioned in the plaint where as it is the specific case of the plaintiff is that the plaintiff has inherited that the land comprised within the four boundaries from his father?

3). Whether the findings of the lower appellate Court are right in holding that the suit properties are not included in Ex.A11 (release deed), hence the plaintiff is not entitled for the decree of declaration in respect of the suit properties?



3. The Registry is directed to call for the entire records from the Courts below concerned.

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4. Having considered the facts and circumstances of the case and submissions made by the learned counsel for the appellant, there shall be an order of interim stay till 20.01.2026.

5. Post the appeal for hearing on 20.01.2026.

11-12-2025

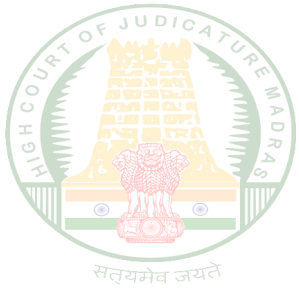
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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