



SA.No.857 of 2025

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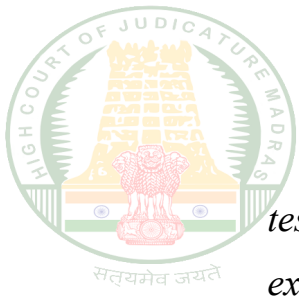
T.V.THAMILSELVI, J.

Challenging the concurrent findings of the Courts below, the plaintiffs have preferred this appeal.

2. The learned counsel for the appellants submits that the subject property absolutely belongs to Rajan, who is the husband of the first appellant and father of the second appellant. The appellants/plaintiffs and the said Rajan were in possession and enjoyment of the said property. During the lifetime of Rajan, the defendants and others falsely created some documents in order to create encumbrance of the property. After the demise of Rajan, the plaintiffs are the only legal heirs to the property. The Courts below failed to appreciate the same. The learned counsel also pointed out that the defendants did not enter witness box and therefore, the Court below ought to have drawn adverse interference against them, but failed to do so.

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

“a) Whether the court below failed to apply the correct legal



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test relating to suspicious circumstances surrounding the executing of deed as laid down by the Supreme Court?

b) Whether the court below erred in law, in holding that the Appellants/Plaintiffs has failed to discharge the burden of proof, when in law the burden shifts to the Respondents/Defendants once suspicious circumstances are established?.

c) Whether the Court below erred in law by ignoring the mandatory requirement that passing of consideration must be proved by the purchaser under section 54 of Transfer of Property Act?.

d) Whether the finding with regard to the sale deed is correct by overlooking the fact that no mutation records took place.”

4. Notice to the respondent returnable by 18.02.2026.

5. List the Second Appeal on 18.02.2026.

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