



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 42 of 2026

Ramasamy
S/O. Kesavan,
Mettukuppam Village,
Pavanthur Post,
Thirukoilur Taluk.

..Appellant(s)

Vs

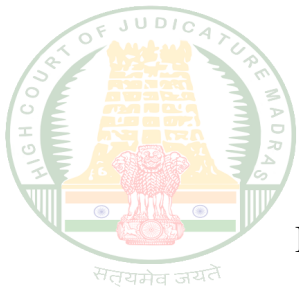
Veerabhadran
S/O. Chinnathu Kounder,
Mettukuppam Village,
Pavanthur Post,
Thirukoilur Taluk.

..Respondent(s)

This petition is filed to set aside the judgment and decree dated 18-09-2025 in AS.No.35 of 2024 on the file of the Prl.Sub Judge, Villupuram and restore the judgement and decree dated 31-03-2021 in OS.No.260 of 2012 on the file of the I Addl.Dist.Munsif Court, Thirukoilur, dismissing the suit of the plaintiff.

For Appellant(s):

MR.S.Indrajith



For Respondent(s): No appearance

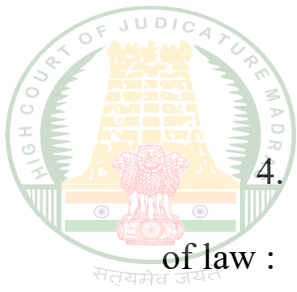
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ORDER

Challenging the reversal finding of the first appellate Court, the present second appeal has been filed by the defendant.

2. The learned counsel appearing for the appellant would submit that the trial Court has rightly appreciated the entire facts and circumstances and dismissed the suit but the first appellate Court however, reversed the findings of the trial Court without proper appreciation of the facts and circumstances coupled with the evidence and allowed the appeal, which cannot be sustained and hence the learned counsel seeks to set aside the judgment and decree of the first appellate court.

3. The learned counsel for the respondent would submit that the lower appellate court erroneously decree the suit, treating the suit property as Hindu Undivided Joint Family property but there was no joint family nucleus at that time. But the defendants have challenged the findings of the trial court and the first appellate court has rightly reversed the findings of the trial court, which requires no interference by this Court, hence he seeks to dismiss the suit.



4. The Second Appeal is admitted on the following substantial questions

of law :

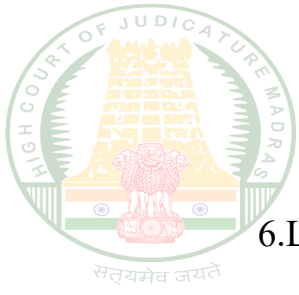
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(a) Whether the lower appellate court was right in law in reversing the well-reasoned judgment and decree of the trial Court, which had dismissed the suit for declaration and recovery, without demonstrating any perversity or misappreciation of evidence in the trial court's findings, as mandated under Section 96 of CPC and settled law on the limits of first appellate jurisdiction.?

(b) Whether the lower appellate court erred in law in treating the suit properties as Hindu Undivided Family properties on the mere existence of a Hindu Joint Family, without first insisting upon and recording a clear finding regarding existence of a proved Hindu Undivided Family nucleus with surplus income sufficient to acquire the suit properties, contrary to the principles laid down by the Supreme Court and this Court on burden of proof relating to Hindu Undivided Family properties?

(c) Whether the lower appellate court erred in law by failing to appreciate that proof/admission of the existence of a Hindu undivided family in 1967, with the plaintiff's father Chinnathu Kounder acting as Karta and possessing properties generating sufficient surplus income, constitutes a sine qua non before any presumption of Hindu Undivided Family property can arise in favour of the plaintiffs.

5. Notice.



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6.List the matter on 12.03.2026.

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T.V.THAMILSELVI, J.

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