



SA No. 61 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 61 of 2026

AND

CMP NO. 1872 OF 2026

1. P.Malarkodi
W/o.B.Padmanabhan, Old No.184/2,
New No.465, Konnur High Road,
Ayanavaram, Chennai-600 023.. and
another

2. B.Padmanabhan
s/o.M.Balakrishnan res at Old
No.184/2, New No.465 Konnur High
Road, Ayanavaram Chennai-600023

Appellant(s)

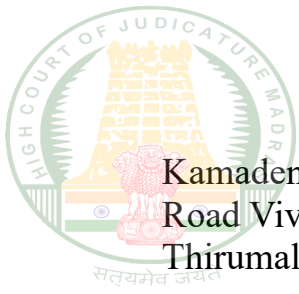
Vs

1. K.N.Sakthivel
S/o. Late N.M.Nadesa Mudaliar,
No.6A, Sankara Eye Hospital Road,
Sivanathapuram, Coimbatore-35.

2.Ganesan
S/o.S.Jeyaraj Ganesan Hardwares, Plot
No.B9, CTH Road, Vivekananda Nagar,
Thirumallaivoyal Chennai-600062
Prakash Jain (Died)

3.Pushpa
W/o.Late Prakash Jain business at
Kamadenu Motors, Plot No. B9, CTH
Road Vivekananda Nagar
Thirumallaivoyal Chennai-600062

4.P.Vikash Chand
S/o.Late Prakash Jain business at



Kamadenu Motors, Plot No. B9, CTH
Road Vivekananda Nagar
Thirumallaivoyal Chennai-600062

5.P.Akash

S/o.Late Prakash Jain business at
Kamadenu Motors, Plot No. B9, CTH
Road Vivekananda Nagar
Thirumallaivoyal Chennai-600062

6.P.Hurabi

S/o.Late Prakash Jain business at
Kamadenu Motors, Plot No. B9, CTH
Road Vivekananda Nagar
Thirumallaivoyal Chennai-600062

Respondent(s)

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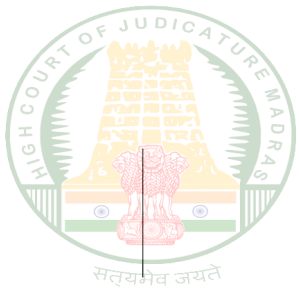
PRAYER

To set aside the decree and the judgment dt. 29.08.2025 rendered in AS No.181/2023 on the file of the learned Subordinate Judge, Ambattur, confirming the decree and the Judgment dt. 29.06.2015 passed in OS No.415/2008 on the file of the learned District Munsif, Ambattur by allowing this SA

SA No. 61 of 2026

For Appellant(s): Mr.R.Sankarasubbu

For Respondent(s):



ORDER

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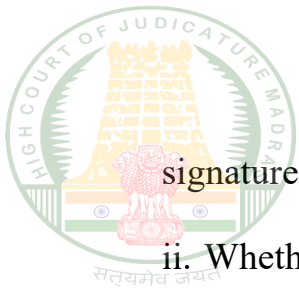
This Second Appeal has been filed to set aside the decree and the judgment dated 29.08.2025 rendered in AS No.181/2023 on the file of the learned Subordinate Judge, Ambattur, confirming the decree and the Judgment dated 29.06.2015 passed in OS No.415/2008 on the file of the learned District Munsif, Ambattur.

2. The plaintiff/first respondent herein filed the suit for the relief of declaration to declare the alleged sale deed dated 29.11.2007 stands in name of the first appellant herein as null and void. On hearing both side, the Trial Court decreed the suit and the same was confirmed by the first appellate Court.

3. The learned counsel for the defendants/appellants submit that in order to prove his case the defendants marked Ex.B1 to Ex.B57, without considering the same, the Trial Court has granted relief in favour of the plaintiff. Hence, he prays to admit this second appeal.

4. This Second appeal is admitted on the following substantial questions of law:

i. When the plaintiff has admitted to the fact of handing over of all the original documents of the property under Ex.B8, with permission to construct the building by the defendants 1 and 2, is it proper to raise suspicious circumstances and, transfer the burden of proof to the defendants to prove the



signature of the plaintiff in the power of attorney under Ex.B9 ?

ii. Whether the documents marked by the defendantss 1 and 2 under Ex.B1 to Ex.B57 are properly considered in accordance to law and rightly inferred, with reasonableness ?

Iii. When the expert giving the handwriting expert opinion under Ex.A4 was not even examined and the same has been impounded, can it be relied on favour of the plaintiff, to shift the burden of proof to the defendants 1 and 2 ?

5. Issue notice to the respondents returnable by 16.03.2026. Private notice is also permitted. Post the matter on 16.03.2026, till then, judgement and decree passed in OS No. 415 of 2008 by the learned District Munsif, Ambattur, is ordered to be stayed.

29-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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