



SA(MD) NO. 106 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-03-2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

SA(MD) NO. 106 of 2026

1. N.Kandasamy
S/o. Nagooran Nadar
Mudachikkadu Village
Peravurani Taluk and Pattukkottai Munsifi.K.Nagarajan,

2. K.NAGARAJAN
S/o. N.Kandasamy
Mudachikkadu Village
Peravurani Taluk and Pattukkottai Munsifi. (Represented by his power
agent 1st appellant/father N.Kandasamy)

Appellant(s)

Vs

1. S.Subramanian
S/o. Shanmugam Nadar
Mudachikkadu Village
Peravurani Taluk
Pattukkottai.

2. S.Neelakandan
S/o. Shanmugam Nadar
Mudachikkadu Village
Peravurani Taluk.
Pattukkottai.

3. Senthil Kumar
S/o. N.Kandasamy
Mudachikkadu Village
Peravurani Taluk and
Pattukkottai Munsifi.



4. Arunachalam
S/o. Subramaniyan
Mudachikkadu Village
Peravurani Taluk and
Pattukkottai Munsifi.

Defendant(s)

For Appellant(s):

M.P.Senthil
A.Mohamedhaneef
R.Narmathan

For Defendant(s):

Prayer:

Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree dated 11.09.2025 passed in AS No.52 of 2023 on the file of Learned 3rd Additional District Judge, Thanjavur at Pattukottai confirming the judgment and decree dated 19.07.2023 passed in OS No.324 of 2015 on the file of Learned Sub Court, Pattukottai and pass such further or other orders, as this Honourable Court may deems fit and proper in the circumstances of the case and thus render justice.

ORDER

This Second Appeal is admitted on the following substantial question of law:

“1) Whether the Courts below committed a serious error in law in granting relief of partition, without advertng that the respondents 1 & 2 / plaintiffs failed to discharge their burden of proof in proving the joint possession and enjoyment over the suit properties on the basis of any positive and acceptable evidence in accordance with Sections 101 to 103 of Evidence Act



(Sections 104 to 106 of Bharatiya Sakshya Adhiniyam, 2023)?

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2) Has not the Courts below committed serious error in law in granting relief of partition in favour of the respondents 1 and 2 / plaintiffs without even advertng that they have admitted and dealt with the other properties which were allotted to them under oral partition as evident from Exs.B6, B7, B20 & B21?

2.Notice to the respondents through Court as well as privately, returnable by 21.04.2026.

3.Registry is directed to call for the records, from the Court below concerned.

4.Post the matter on **21.04.2026**.

24-03-2026

MR



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To

1. S.Subramanian
S/o. Shanmugam Nadar
Mudachikkadu Village
Peravurani Taluk
Pattukkottai.

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S/o. Shanmugam Nadar
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