



SA(MD). No.170 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

SA(MD). No.170 of 2026

Lawrence

... Appellant

Vs

1.Rajabi(died)
Nagamani (died)
2.Thankammal (died)
3.Jeya
4.Russel Raj
5.Ida
6.Jones

(R6 brought on record as LR's of the
deceased R1 vide order, dated 04.08.2025) . Respondents

PRAYER :- Second Appeal filed under Section 100 of Civil Procedure Code, to allow the Second Appeal, setting aside the Judgment and Decree dated 30.09.2019 in A.S.No.25 of 2017 by the Principal Subordinate Judge at Nagercoil confirming the Judgment and Decree dated 27.01.2016 in O.S.No.221 of 2015 passed by the II Additional District Munsif at Nagercoil with cost.

For Appellant : Mr.R. Nandakumar



SA(MD). No.170 of 2026

ORDER

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

i) Whether the lower appellate Court erred in holding the suit is not maintainable without a declaration relief (in the absence of any plea taken by the respondent), given that the plaint reliefs sufficed to adjudicate issues without any cloud on the appellant's title, vitiating the Judgment and causing injustice?

ii) Whether the Courts below erred in declining relief despite the appellant / plaintiff discharging the initial burden via documentary evidence Ex.A1 and Ex.B6 without adverting to these vital documents thereby vitiating the judgments and resulting in injustice?

2. Notice to the respondents through Court as well as privately returnable by 12.06.2026. Registry is directed to call for records from the Court concerned.

17.04.2026

TRP