

SA(MD). No.190 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

SA(MD). No.190 of 2026

1. Gnanayutyham Joseph,
2. C.J.Ebanazar

... Appellants

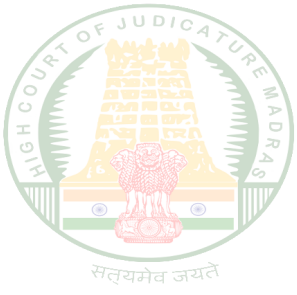
Vs

1. D.Jothimani
2. A.Esther Shanthi
3. Gnanadeepam @ Rani
A.Dharmaraj (Died).
4. D.Selvasundari
5. D.Solomon
6. D.Sundar Singh
PRAYER :-

... Respondents

Second Appeal filed under Section 100 of Civil Procedure Code, to allow the above Second Appeal by setting aside the Judgment and Decree of the Sub Court, Tiruchendur dated 20.01.2026 in AS No.404 of 2017 confirming the Judgment and Decree of District Munsif Court, Tiruchendur in OS No.6 of 2015 dated 17.06.2017 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr. M.C. Swamy



SA(MD). No.190 of 2026

ORDER

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

1) Whether the Courts below are right in deciding the case when the Plaintiffs 1 to 3 did not enter in the witness box and disprove the claim of the 1st defendant in his written statement and regarding the mutual exchange? or their respective share in the suit property and another property bearing Door No.5/20 in the same village and relinquishment of 3rd plaintiff's share in the suit property?

2) Whether the Courts below right in deciding the case when the Defendant's case is based on oral partition, particularly claimed against the Plaintiffs 1 to 3, can it be decided without their denial by way of reply to the Written Statement?

Notice to the respondents through Court as well as privately returnable by 10.06.2026.

21.04.2026

TRP