



SA(MD) NO. 500 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-10-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

SA(MD) NO. 500 of 2025

S.Ravichandran

Appellant(s)

Vs

1.M.Velmurugan

2.M.Senthil Kumar

3.M.Krishna Kumar

M.Gurusamy Nadar (Died)

4.Balasubramanian

5.G.Chermakani

6.G.Kalaiselvi

7.G.Rajkumar

8.G.Thanalakshmi

Respondent(s)

For Appellant(s):

Mr.Ganesh N,
Advocate



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Prayer : Second Appeal is filed under Section 100 of the Civil Procedure Code against the decree and judgment dated 04.01.2024 made in A.S.No.152 of 2004 on the file of the Sub Court, Thoothukudi by reversing the judgment and decree dated 11.03.2004 made in O.S.No.11 of 2003 on the file of the Additional District Munsif Court, Thoothukudi.

ORDER

Heard the learned counsel for the appellant.

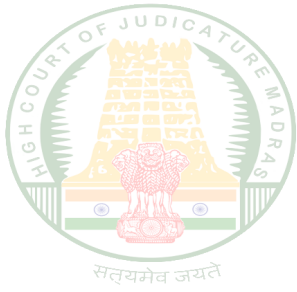
2. Admit.

3. The following substantial questions of law are framed :

“ (a) Whether the condition in the settlement deed mentioning that only the male heirs will have absolute right legally valid in view of Hon'ble Supreme Court judgment in Vineeta Sharma vs. Rakesh Sharma and Others reported in (2020) 9 SCC 1?

(b) Whether the condition mentioned in the settlement deed marked as Exhibit A1 is against rules of perpetuity as the condition imposed by the executor is existing for more than three generation?

(c) Whether the prayer in the suit is valid and legal, when there is no prayer to declare the sale deed Exhibit B1 as void?



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(d) Whether the lower Appellate Court is correct and proper in declaring the (Exhibit B1) sale deed as void, when there is no prayer to that effect?”

4. Issue notice to the respondents returnable by six weeks. Private notice is also permitted.

5. Registry is directed to call for the original records in A.S.No.152 of 2004 from the file of the learned Subordinate Judge, Thoothukudi, as well as that of the learned Additional District Munsif, Thoothukudi, in O.S.No.11 of 2003.

6. List the matter **after six weeks**.

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P.VADAMALAI, J.

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