



SA(MD) NO. 192 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-04-2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

SA(MD) NO. 192 of 2023

1. M.V.Ganesan
S/o.Late.Vaidiyanathan
New Door No.4-1-118 Main Road
Nilakkottai Taluk
Dindigul District.

Appellant(s)

Vs

1. S. RAJAMANICKAM(died)
S/o.Subramania Pillai
Door No.5-1-10 E
Parvathi Illam
Sekadai
Nilakkottai.

2. Densingh(Died)
(Substituted by)
S.S.Rajendran
Secretary
Nilakkottai Nadar Middle School.Secretary of Nilakottai Nadar Middle
School is substituted vide court order dated 02.03.2026 made in
CMP(MD)No. 18499 of 2025 in SA(MD)No. 192 of 2023 by PBBJ.

3. R.Alagu Sundari(DIED)
W/o.Late.Rajamanickam
Door No.5-1-10 E
Parvathi Illam
Sekkadai Street
Nilakottai. Memo dated 10.04.2024 filed on 12.04.2024 in USR No.
14278 is recorded
as R3 died
and RR4 to 6



who are already on record
are recorded as LR's of the deceased R3
vide court order dated 03.12.2025 made in SA(MD)No. 192 of 2023 by
KMSJ.

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4. Parvatha Selvi
D/o.Late.Rajamanickam
Door No.5-1-10 E
Parvathi Illam
Sekkadai Street
Nilakottai.

5. Tamil Selvi
D/o.Late.Rajamanickam
Door No.5-1-10 E
Parvathi Illam
Sekkadai Street
Nilakottai.

6. Thamarai Selvi
D/o.Late.Rajamanickam
Door No.5-1-10 E
Parvathi Illam
Sekkadai Street
Nilakottai.

Respondents 3 to 6 are brought on record as LR's of the deceased 1st
Respondent vide court order dated 29.08.2025 made in CMP(MD) Nos.5666,
5667 and 5669 of 2023 in SA(MD)No.192 of 2023 by ADMCJ.

Defendant(s)

For Appellant(s):

Mr.P.THIAAGARAJAN
M.Tamilarasi

For Defendant(s):

Mr.B.Rooban for R2
Mr.R.Kathiravan for R6
For R4 & R5 – No appearance



Prayer:

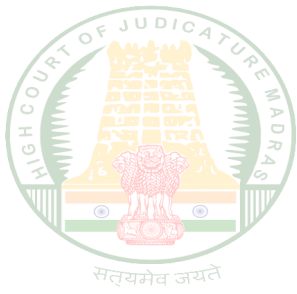
Second Appeal filed 100 of under Section Civil Procedure Code, to set aside the judgment and decree dated 19-02-2018 made in A.S.No.90 of 2012 on the file of the Additional Subordinate Judge, Dindigul confirming the judgment and decree dated 26-07-2012 made in O.S.No.94 of 2005 on the file of the District Munsif, Nilakottai allow the above second appeal and thus render justice.

ORDER

Pursuant to the order dated 16.03.2026, publication has been effected against the fifth respondent. Copy of the paper publication has also been filed. The respondents 2 & 6 are represented by Counsel. The name of the fifth respondent is printed in the cause title. Therefore, Respondent No.5 is set ex-parte.

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

“1) When the settled principles of law prescribes the position that the boundaries prevail over extend and the plaintiff categorically proved that the four boundaries described in his title deeds prove the fact that the suit schedule property is well within the boundary of the plaintiff's title deed and ignoring the said fact whether the courts below are right in dismissing the suit for declaration as the extent available in the land differ from the title deed?



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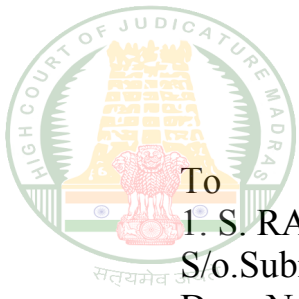
2) Whether the courts below are right in dismissing the suit for declaration of title when the plaintiff proves his right over the suit schedule property by producing the convincing evidences and the burden shifts on the defendant to prove his claim by establishing his title over the suit schedule property and he has miserably failed to explain that when the Ex.B.1 sale deed does not refer the suit schedule property and how the subsequent documents namely Ex.B. 4, B.5 & B.6 came into existence by including the suit schedule property?

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

4.Post the matter on **10.06.2026**.

MR

06-04-2026



To

1. S. RAJAMANICKAM(died)

S/o.Subramania Pillai

Door No.5-1-10 E

Parvathi Illam

Sekadai

Nilakkottai.

2. Densingh(Died) (Substituted by)

S.S.Rajendran

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W/o.Late.Rajamanickam

Door No.5-1-10 E

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Sekkadai Street

Nilakottai.

4. Parvatha Selvi

D/o.Late.Rajamanickam

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5. Tamil Selvi

D/o.Late.Rajamanickam

Door No.5-1-10 E

Parvathi Illam

Sekkadai Street

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6. Thamarai Selvi

D/o.Late.Rajamanickam

Door No.5-1-10 E

Parvathi Illam

Sekkadai Street

Nilakottai.