



S.A(MD) No.21 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 17.02.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

S.A(MD)No.21 of 2026

Chinnkannu (died)

1.Palanisamy

2.Thailamma

3.Karuppaiya

4.Meenatchi

5.Singhu

Naveenkumar (died)

: Appellants

Vs.

Subbayyan (died)

Chinnammal (died)

1.Karuppaiyah @ Manivel

2.Shanmugam

3.Annapottu

4.Chitra

: Respondents

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree made in A.S.No.27 of 2019 on the file of the Principal District Court, Tiruchirappalli, dated 29.08.2025, confirming the judgment and preliminary decree, dated 28.11.2018 made in O.S.No.116 of 1998 on the file of the I Additional Subordinate Court, Tiruchirappalli.



WEB COPY



S.A(MD) No.21 of 2026

For Appellants : Mr.K.Prabhakar

ORDER

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

a) Whether the Courts below have erred in shifting the burden of proof on to the defendants to establish prior oral partition when the plaintiffs themselves admitted that the suit properties were enjoyed separately even during the lifetime of Karuppa Udayar ?

b) Whether the Courts below have tested the assertion of the plaintiffs that the separate enjoyment of the properties was not pursuant to partition by metes and bounds in accordance with rules of evidence ?

2. Issue notice to the respondents returnable by four weeks. Private notice is also permitted.

3. Registry is directed to call for the records.

17.02.2026

das



S.A(MD) No.21 of 2026

WEB COPY

To

- 1.The Principal District Court,
Tiruchirappalli.
- 2.I Additional Subordinate Court, Tiruchirappalli.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.