

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.3832-3833 OF 2003

KR. NARAYANAN CHETTIAR
Appellant

(s)

VERSUS

A.P.L.MEYAPPA CHETTIAR & ORS.
dent

Respon

(s)

(With application for exemption from filing O.T. and with prayer for
interim relief)

Date: 12/01/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE A.K.MATHUR

For Appellant(s)

Mr. V.Prabhakar, Adv.

Mr. R.S. Krishna Kumar, Adv.

Mr. M.K. D. Namboodiry, Adv.

For Respondent(s)

Mr. P.L. Narayanan, Adv.

Mr. R.Anand Padmanabhan, Adv.

Mr. Bobby Augustine, Adv.

Ms. Amritha Sarayoo, Adv.

Mr. Pramod Dayal, Adv.

UPON hearing the Court made the following

O R D E R

The Civil Appeals are dismissed in terms of the signed order.

Parties shall bear their own costs.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3832-3833 OF 2003

KR. NARAYANAN CHETTIAR

..APPELLANT

VERSUS

A.P.L. MEYAPPA CHETTIAR & ORS.

..RESPONDENTS

O R D E R

The dispute in these appeals relates to the property situated in Survey

No. 27/5, admeasuring 1 acre and 7 cents in K.Velangudi Group, Kottaiyur

Village. This property was purchased by the ancestors of plainttff-respondent

No.1 (hereinafter referred to as the 'respondent') from Velangudi Sri Kandeewaramudaiyan Devasthanam, represented by Trustees V.C.T. Chockalingam Chettiar, VR.Chockalingam Chettiar, PR.P.Vairavan Chettiar vide registered sale deed dated 01/05/1929 for a sum of Rs.10,000/-. The respondent continued to be in possession of the said property. During a visit of respondent abroad in the year 1960, the name of Govindan Chettiar, defendant-predecessor-in-interest of the appellant (hereinafter referred to as the 'appellant') was entered as owner in the revenue record. Respondent after coming to know about the change in the revenue record filed his objections before the Tahsildar. Tahsildar after due verification by his order dated 05.03.1971 ordered that the name of Govindan Chettiar be removed from the ownership column in the revenue record and that of the respondent be substituted as the owner in the ownership column. Appellant filed an appeal against the order of Tahsildar. Appeal was accepted and order of the Tahsildar was set aside. The appellate court directed that the name of Govindan Chettiar be entered in the revenue record as the owner of the land in dispute. Aggrieved against the order passed by the appellate authority, the respondent filed a revision petition before the DRO, Sivaganga, which was dismissed. Respondent thereafter filed Writ Petition No. 6579 of 1995 challenging the order passed in the appeal as well as in the revision petition.

On 28th February, 1994, respondent filed a suit as well seeking declaration of title to the suit property and injunction restraining the appellant from interfering with his peaceful possession. The trial court dismissed the suit

by its order dated 16.2.1995. Aggrieved against the order of the trial court the respondent filed the appeal in the High Court. The same was numbered as A.S. 309 of 1995.

The High Court took the appeal as well as the writ petition together for consideration and disposed them of by a common judgment.

The High Court being the first appellate court on re-appreciation of entire evidence came to the conclusion that the respondent was the owner in possession of the suit property. It was held that predecessor of the respondent had acquired a valid title to the suit property on the basis of the sale deed dated 1.5.1929 executed by Velangudi Sri Kandeewaramudiyar Devasthanam.

Another fact which weighed with the High Court was that the appellant in the sale deed Ex. A-26 executed by him in favour of the respondent of 7 cents of land on 27.7.1979 had himself described the property in dispute to be in the ownership of the respondent. The contention raised by the counsel for the appellant that there were interpolation in the sale deed dated 27.7.1979 was rejected. It was noticed that after carrying out corrections in the sale deed a note had been given that the corrections have been carried out and the appellant signed the document of sale after the carrying out of the said

corrections. Even in the certified copy obtained from the office of the Registrar which has been produced as Ex. A-13 the corrections carried out in the original are reflected. Accordingly, the appeal as well as writ petition were accepted and the order passed by the trial court as well as the revenue authorities were set aside. It was declared that the respondent was the owner in possession of

the suit property. The appellant was restrained from interfering with the

possession of the respondent on the suit property.

After hearing the counsel for the parties at length and on going through the plaint, written statement, relevant documents such as Exhibit A-26 and A-13 we are satisfied that the conclusion arrived at by the High court is correct and the same do not call for any interference. The name of Govindan Chettiar, predecessor-in-interest of the appellant was entered in the revenue record for the first time in 1960. Except for the stray entry of 1960 in the revenue record showing the predecessor-in-interest of the appellant to be the owner in the revenue papers there is no other evidence either prior to 1960 or subsequent thereto to show the ownership of the appellant or his predecessors of the suit land. On the contrary, the respondent has proved his ownership through the registered sale deed dated 1.5.1929 executed by the Velangudi Sri Kandeewaramudaiyan Devasthanam in favour of the predecessor-in-interest of the respondent. Even the appellant in the sale deed executed by him on 27.7.1979 of 7 cents of land in favour of the respondent had described the property in dispute to be in the ownership of the respondent. In the face of such evidence it cannot be said that the High Court has erred in arriving at the conclusion reached by it.

Accordingly, the order of the High Court is upheld and the appeals are dismissed. Parties shall bear their own costs.

.....J.

[Ashok Bhan]

New Delhi;

.....J.

January 12, 2005.

[A.K. Mathur]