

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 8075-8076/2010

AMBALAVANAR TRUST BOARD TR.TRUSTEES

Appellant(s)

VERSUS

K.THIRUNAVUKKARASU MUDALIAR ETC.

Respondent(s)

O R D E R

Heard the learned counsel appearing for the parties.

These appeals arise out of two suits filed by the appellants-trust. The suits were filed on title for relief of injunction.

In the first suit, the appellants-trust relied upon its sale deed dated 21.02.1986 claiming that the sale deed was executed in respect of the subject property by one W.T. Masilamani Mudaliyar in favour of the appellants-trust. Both the District Court and the High Court have declined to rely upon the photocopy of the alleged certified copy of the said document which was marked as Exh.P-1. There is a concurrent finding of the District Court and the High Court on this

aspect. We agree with the said finding for the simple reason that if according to the case of the appellants, the original sale deed was not in their possession, they could always lead secondary evidence by producing the certified copy and by proving the same. Moreover, we find from the perusal of the plaint that the sale deed dated 21.02.1986 was not even relied upon.

As regards the second suit, we find that the case of the appellants-plaintiffs was based only on oral sale. In fact, it is their specific case in the plaint that one W.T. Nataraj Mudaliar sold the subject property at the price of Rs.100/- and the sale was oral sale.

Sale of immovable property worth Rs.100/- or more can be executed only by a registered sale deed as required under Section 54 of the Transfer of Property Act,1882. That is how, the District Court and the High Court have ruled against the appellants-trust.

We find no error in the view taken by the District Court and the High Court that the appellants-trust failed to prove title in respect of the property subject matter of both the suits. Therefore, it is not necessary for us to go into any other question which was agitated before the High Court.

Accordingly, the appeals are dismissed.

There shall be no order as to costs.

.....J.  
[Abhay S. Oka]

.....J.  
[Rajesh Bindal]

New Delhi  
16.03.2023

ITEM NO.106

COURT NO.16

SECTION XII

**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(s). 8075-8076/2010

AMBALAVANAR TRUST BOARD TR.TRUSTEES

Appellant(s)

VERSUS

K.THIRUNAVUKKARASU MUDALIAR &amp; ORS.

Respondent(s)

(IA No. 99176/2017 - EARLY HEARING APPLICATION)

WITH

SLP(C) No. 15148/2011 (XII)

(IA No.120464/2017-IA FOR BRINGING LRS ON RECORD ALONG WITH AFFIDAVIT and IA No.120470/2017-IA FOR EXEMPTION FROM FILING ORIGINAL DEATH CERTIFICATE OF PETITIONER NO 2 and IA No.120473/2017-EXEMPTION FROM FILING O.T. and IA No.120477/2017-IA FOR SETTING ASIDE ABATEMENT AGAINST THE DECEASED and IA No.120479/2017-CONDONATION OF DELAY IN FILING(Case is to be listed alongwith CA 8075-8076/2010))

Date : 16-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Shivabalan Murugan, Adv.  
Mr. Bhargava V. Desai, AOR  
Ms. Pallavi Maurya, Adv.  
Ms. Devina Bhandari, Adv.  
Mr. Utkarsh Vats, Adv.  
Mr. Deepanshu, Adv.

Mr. V. Balaji, Adv.  
Mr. Rakesh K. Sharma, AOR

For Respondent(s) Mr. Gautam Narayan, AOR

Mr. Ratnakar Dash, Sr. Adv.  
Mr. Vasantha Kumar A., Adv.  
Mr. Sanchit Vashithe, Adv.  
Mr. Karunakar Mahalik, AOR

Mr. Naresh Kumar, AOR  
Mr. S. Nandakumar, Adv.  
Ms. Deepika Nandakumar, Adv.

Mr. Anand Murthi Rao, Adv.

Mr. T. Harish Kumar, AOR  
Mr. Navneet Dugar, Adv.  
Mr. Subham Kothari, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Civil Appeal No(s). 8075-8076/2010

Appeals are dismissed in terms of the signed order.

Pending applications, if any, also stand disposed of.

SLP(C) No. 15148/2011

Heard the learned counsel appearing for the petitioner.

There is a concurrent finding of fact recorded by the three courts below. Hence, No case for interference is made out in exercise of power under Article 136 of the Constitution. The Special Leave Petition stands dismissed.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER(NSH)

(signed order is placed on the file)