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Letter to D.R. CC. to
party - 7-8-79

cease bundle and
cc of Judgment
sent to party
by Regd. Post parcel
and ~~cc~~ Letter -
cc of letter to D.R.
22.8.79

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Pondy District.

HIGH COURT MADRAS.

S-A No. 1428 of 1976

in/against

No. of 19

on the file of

Devasundari
Ammal

Petitioner.
Appellant.

Vs.

Renganathan

Respondent.

Filed by Sri G.H.

L.C. Counsel: D.R. (P)

Presented on:
Vakalat filed on:

Misc. Petitions 8374/76 for stay

Admit interim stay
Sundararaman J
3.8.76.

Interim stay made
absolute 21.8.76.

Dismissed No cost
Mohan J.
3.8.79

M/s. V. SRIDEVAN
G. MASILAMANI &
C. JAYARAJ

Counsel for Appellant/Petitioner/Respondent

S.A.No.1428/1976

Devasundari Ammal
-Vs-
Renganathan

August 7, 1979

Sri D.Ramaachandra Reddiar,
Advocate,
Aurobindo Street,
PONDICHERY.

Dear Sir:

The above appeal filed by our client Devasundari Ammal came up for final hearing before His Lordship Mohan.J. on 3.8.1979. Notwithstanding my best efforts and strenuous arguments, the learned Judge would not allow the appeal. The learned Judge held that the sale deed dated 2.2.1959 executed by the father in favour of the two daughters is a valid document. In any event, our client Devasundari Ammal cannot question the validity of the said document on the ground that Meenakshi Ammal her sister and herself were minors on the date of the execution of the Sale Deed and that no consideration had passed under the Sale Deed for the reason that our client Devasundari Ammal was married even at that time and she was assisted by her husband and she had acted as the guardian of Meenakshi Ammal who was said to be a minor at that time. Except the evidence of our client Devasundari Ammal, there is no material whatever to establish that herself and Meenakshi Ammal were minors at the time of the Sale Deed dated 2.2.1959. As it is specifically recited in exhibit B-2--Sale Deed that Meenakshi Ammal was a minor and therefore she ^{was} had represented by Devasundari Ammal her sister assisted by her husband, it cannot be presumed that Devasundari Ammal was also a minor on that date. If really Devasundari Ammal was ^a the minor, she ^{not} would have been represented by her husband and also she could have represented Meenakshi Ammal. Above all these things, Devasundari Ammal being a willing party to the document executed before the Nothaire ^{it is} does not open to her ^{to} question the recitals contained

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therein and on that basis the validity of the document. With these finding, the learned Judge has held that the Sale Deed ~~xxx~~ dated 2.2.1959 is a valid and binding document on our client. Once the said Sale Deed is a valid one, the subsequent exchange is also a valid one and the Sale ~~xxx~~ in favour of the plaintiff by ^{her/ent} Meenakshi Ammal thus confer title on him which he is entitle to by way of suit for partition.

In the light of the above-said observation of the Court, the question of the holograph will does not at all arise for consideration. The reason being on the date of execution of the holograph will the testator, the father of Devasundari Ammal had no title to the property, he having sold the same on 22.2.1959 under exhibit B-2 which ^{was} found to be a valid and enforceable document at least as against Devasundari Ammal, if not against the whole world.

Since I will not be able to explain the above-said facts in detail to the client over a letter in Tamil, I request you to be kind enough to explain to the client the circumstances under which the appeal was dismissed. I am sorry for the inconvenience.

Thanking you,

Yours faithfully,


(G.MASILAMANI)

c.c.

Smt. Devasundari Ammal,
W/o. Narasimham,
Bramman Koil Street,
Kakkeyanthoppu,
Ariyankuppam,
PONDICHERY.

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S.A.No.1428/76

Devasundari Ammal
-Vs-
Renganathan

21.8.1979

Smt. Devasundari Ammal,
W/o. Narasimham,
Bramman Koil Street,
Kakkeyanthoppu,
Ariyankuppam,
PONDICHERRY.

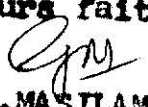
Dear Madam,

I have this day despatched by
registered parcel post the entire case papers in
the above matter, together with a carbon copy of the
Judgment of the High Court. I am sure you would have
received my letter dated August 7, 1979.

Please acknowledge receipt of the
case papers.

Thanking you,

Yours faithfully,


(G.MASILAMANI)

c.c.

Sri D. Ramachandra Reddiar,
Advocate, Aurobindo Street,
PONDICHERRY.

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