

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

RSA.No. 729 of 2008

A.S.NO.42/2007 OF ADDITIONAL DISTRICT COURT (ADHOC)-II, THODUPUZHA

O.S.NO.66/2006 OF MUNSIFF'S COURT, IDUKKI

APPELLANT(S)/APPELLANT/PLAINTIFF :

**RAMANI, AGED 35 YEARS, W/O. AJITH,
VARAMBANAL HOUS, PAINAVU KARA, IDUKKI VILLAGE,
THODUPUZHA TALUK.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/RESPONDENTS/DEFENDANTS :

- 1. KATTURAJAN, S/O. CHELLAPPAN,
PULAYAKUDIYIL PAINAVU KARA, IDUKKI VILLAGE,
THODUPUZHA TALUK.**
- 2. USHA, W/O. KATTURAJAN, PULAYAKUDIYIL,
PAINAVU KARA, IDUKKI VILLAGE, THODUPUZHA TALUK.**

**BY ADVS. SRI.N.M.MOHAMMED AYUB
SRI.JOHNSON JOSEPH**

**THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

= = = = =

R.S.A.No.729 of 2008.

= = = = =

Dated this the 25th day of November, 2015.

J U D G M E N T

The plaintiff in a suit for injunction is the appellant in this second appeal. The trial court dismissed the suit and the appellate court confirmed the decision of the trial court. Aggrieved by the concurrent decisions against her, the plaintiff has come up in this second appeal.

2. The case of the plaintiff is that she is holding possession of the suit property based on an agreement executed by the first defendant who is the owner of the property. The original of the agreement claimed to have been executed by the first defendant was not produced by the plaintiff before the trial court. Instead, a photocopy of the application submitted by the plaintiff to the Secretary of the local Grama Panchayat containing the endorsement of the first defendant that the plaint schedule property was sold by him to the plaintiff on 27.5.2006 was produced to establish the possession over the suit property. The

trial court found that the materials on record are not sufficient to hold that the plaintiff is in possession of the suit property. The appellate court confirmed the said finding of the trial court. The dispute is as to the possession of the suit property. The findings rendered by the courts below as indicated above are findings on facts. The findings as to the possession rendered by the courts below on the facts cannot be challenged in a second appeal preferred under Section 100 of the Code of Civil Procedure. There is no question of law, much less any substantial question of law, involved in the second appeal. The second appeal, in the circumstances, is devoid of merits and the same is accordingly dismissed.

Sd/-
P.B.SURESH KUMAR,
JUDGE.

Kvs/-

// true copy //

PA TO JUDGE.