

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

RSA.No. 334 of 2011 ()

**(AGAINST THE JUDGMENT AND DECREE IN AS.NO. 169/2008 OF SUB COURT,
CHENGANNUR DATED 25/01/2010)**

**(AGAINST THE JUDGMENT AND DECREE IN OS.NO. 39/1999 OF MUNSIFF
COURT, CHENGANNUR DATED 22-09-2007)**

APPELLANTS/APPELLANTS/PLAINFIFFS.:

1. K.K.KAMALAMMA, KAILAS BHAVAN,
KODUKULANJI, KAODU MURI, VENMANI VILLAGE.
2. RADHAMANI, -DO- -DO-.
3. K.K.KUSUMAKUMARI, -DO- -DO-.
4. K.K.SREELATHA, -DO- -DO-.

BY ADV. SRI.M.R.SUDHEENDRAN

RESPONDENTS/RESPONDENTS/DEFENDANTS.:

1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLECTOR,
ALAPPUZHA, PIN - 688 001.
2. THE THAHASILDAR,
CHENGANNOOR P.O., PIN - 689 121.
3. THE VILLAGE OFFICER,
VENMONY P.O., PIN - 689 509.
4. SURESH P.O., BOX NO.4236,
SHARJAH, UAE.
5. SREEKALA DEVI (SREEKALA DEVI K.K.),
C/O. MOHANAN, UNTORSHIP SERVICE, P.O.BOX NO.1019,
FUJEIRAH, U.A.E.

R1 TO R3 BY GOVERNMENT PLEADER SRI.JOBY JOSEPH

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.B.SURESH KUMAR, J.

R.S.A. No.334 of 2011

Dated 9th October, 2015.

J U D G M E N T

The plaintiffs in a suit for declaration of title by adverse possession and limitation are the appellants in this appeal.

2. The suit property is a puramboke land. The trial court dismissed the suit and the decision of the trial court has been confirmed in appeal. The plaintiffs, who are aggrieved by the concurrent decisions of the courts below, have come up in this appeal.

3. Heard the learned counsel for the appellants.

4. It is trite that a suit for declaration of title by adverse possession is not maintainable. A plea of adverse possession can be raised only by way of defence in a suit for recovery of possession based on title (See the decision of the Apex Court in **Gurudwara Sahib v. Gram Panchayat Village Sirthala and Another** [(2014) 1 SCC 669] and the decision of this Court in

R.S.A. No.592 OF 2015 dated 13.8.2015). There is, therefore, no merit in the second appeal and the same is, accordingly, dismissed. All the interlocutory applications in the appeal are closed.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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(true copy)