

In the High Court of Judicature at Madras

Dated: 20.09.2016

Coram

The Honourable Mr.JUSTICE K.RAVICHANDRABAABU

Second Appeal No.225 of 2014

and

M.P.No.1 of 2014

Balasubramaniam Appellant/Applt/Defendant
Vs.

G.Sivaprakasam Respondent/Respondent/
Plaintiff

Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree dated 21.10.2013 made in A.S.No.38 of 2012 on the file of the Sub-Court, Bhavani, Erode District, confirming the judgment and decree dated 24.08.2012 made in O.S.No.120 of 2010 on the file of II Additional District Munsif, Bhavani.

For Appellant : Mr.P.Parthikannan
for Mr.A.K.Kumarasamy
For Respondents : Mr.T.Murugamanickam

J U D G M E N T

The appellant is the defendant in a suit for permanent injunction. Both the Courts below have concurrently found in favour of the plaintiff and granted the relief. The defendant aggrieved against the concurrent findings of the Courts below filed the present Second Appeal. After ordering notice before admission, the matter is listed before this Court for further hearing. Therefore, this Court has to see as to whether the substantial question of law arises for consideration to entertain this Second Appeal and to hear the same on such question of law.

2. Heard, the learned counsel appearing for the appellant, the learned counsel appearing for the respondent and perused the judgments and decrees passed by the Courts below.

3. The plaintiff sought the relief of permanent injunction based on the partition deed marked as Ex.A1 and also other exhibits marked as Exs.A1 to A22 like kist receipt, patta, revenue records etc. in support of his possession. On the other hand, the defendant, though claimed half share in the cart track, has not marked any document in support of such claim. The Courts below pointing out the above said facts and circumstances and placing reliance on the documents filed by the plaintiff supporting his possession, granted the relief of injunction. Such concurrent findings rendered by the Courts below do not warrant interference by this Court as I could see that the same having been rendered based on the factual appreciation of the case. Accordingly, I find no question of law muchless substantial question of law arises for consideration to entertain the Second Appeal. Accordingly, the Second Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vsi

To

1. The Sub-Judge, Bhavani, Erode District.
2. II Additional District Munsif, Bhavani.
Erode District

+1 CC to Mr. T. Murugamanickam, Advocate Sr.No.53216

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RSY (CO)

MD : 21/10/2016