

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Second Appeal No. 384 of 2016

M.Vasantha

..Appellant/Plaintiff

-Vs-

The Commissioner,
Ranipet Municipality,
Ranipet.

..Respondent/Defendants

Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 01.04.2015 made in A.S.No.74 of 2012 on the file of Subordinate Judge, Ranipet, confirming the decree and judgment in O.S.No.84 of 2003 on the file of the learned District Munsif, Ranipet, dated 29.02.2012.

For Appellant : Mr.V.Bhiman

For Respondent : Mr.P.S.Sivashanmugasundaram

J U D G M E N T

The appellant is the plaintiff in a suit for bare injunction. She lost before both the Courts below as she failed to establish her possession over the suit property for the grant of relief of injunction.

2. It is seen that the suit which was originally dismissed was reheard once again after remand by the appellate Court so as to enable the plaintiff to adduce evidence to establish her possession. It appears that the plaintiff, even after such remand, could not adduce any evidence to convince the Court for grant of injunction as sought for by her. Therefore, both the Courts, on appreciation of the pleadings of the respective parties and the evidence as such available on record, came to the conclusion that the plaintiff is not in possession of the suit property and thus, he is not entitled to the relief of injunction. Such concurrent finding rendered by the Courts below is sought to be challenged before this Court by way of filing the present Second Appeal.

3. I find no substantial question of law arises for consideration to entertain this Second Appeal when the plaintiff has miserably failed to prove her case with regard to the possession of the suit property by adducing any material evidence. When such being the position, this Court finds that

the plaintiff is not entitled to any indulgence. Accordingly,
the Second Appeal fails and the same is dismissed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Subordinate Judge, Ranipet.

2. The District Munsif, Ranipet,

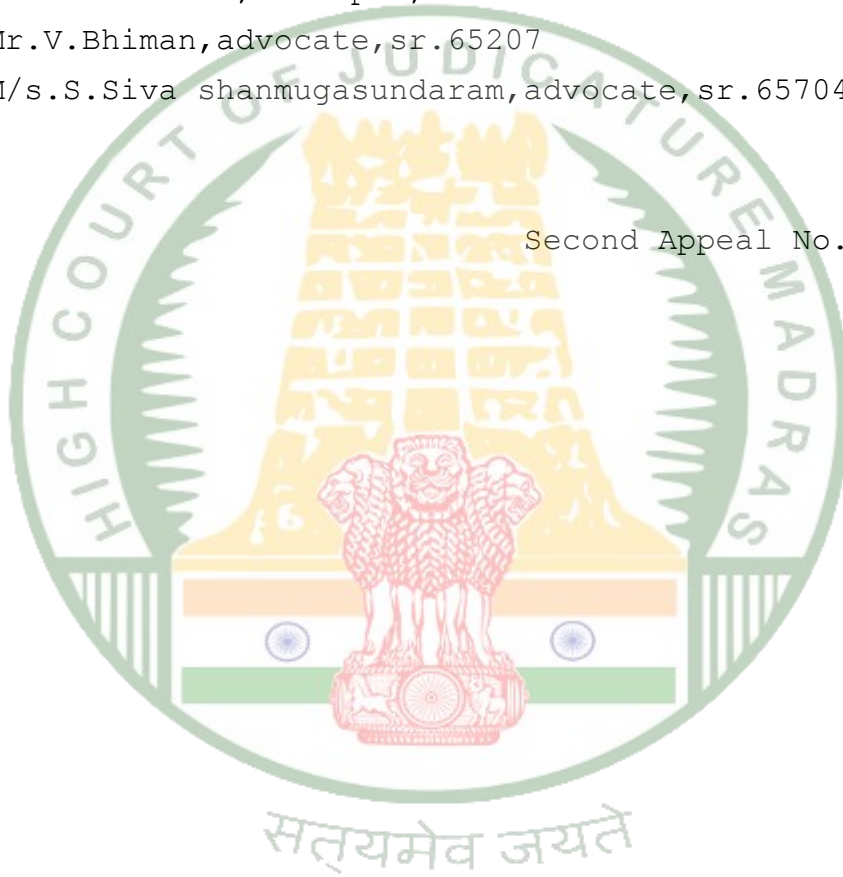
+1 cc to Mr.V.Bhiman,advocate,sr.65207

+1 cc to M/s.S.Siva shanmugasundaram,advocate,sr.65704

sai(co)

krd 2/1

Second Appeal No.384 of 2016



WEB COPY