

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM

The Honourable Mr.JUSTICE K.RAVICHANDRABAABU

Second Appeal No.772 of 2016
and
C.M.P.No.14592 of 2016

1. Kannayiram
2. Prema ..Appellants/Defendants 1,2

Vs.

1. Ranjani,
W/o Late Nanthanakrishnan Chetty
@ Gajendra chetty
2. Dhara,
D/o Nanthana Krishna Chetty
3. Pappy,
D/o Nanthana Chetty
4. The Junior Engineer,
Tamil Nadu Electricity Board Office,
Guruvarajapet,
Arakkonam Taluk.
5. The Superintendent engineer,
TamilNadu Electricity Board Office,
Gandhi Nagar,
Vellore.

..Respondents/Plaintiff/
Defendants 4,5

Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree dated 31.12.2009 made in A.S.No.70 of 2008 on the file of the Subordinate Judge, Ranipet, confirming the judgment and decree dated 31.07.2008 made in O.S.No.120 of 2002 on the file of District Munsif Court, Sholinghur, Vellore.

For Appellants : Mr.S.Sarath Chandran
for M/s.K.M.Vijayan Associates

For Respondents : Mr.A.Gowthaman

J U D G M E N T

The appellants are the defendants in a suit for declaration and for recovery of possession with other allied reliefs. This matter is listed before this Court at the adjourned admission stage. 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 appellants, the learned counsel appearing for the respondents and perused the judgments and decrees passed by the Courts below.

3. Both the Courts below have concurrently held against these appellants and decreed the suit as prayed for. The plaintiffs claim right and title over the suit properties by way of registered sale deeds marked as Exs. A9 and A10 which are of the year 1929. When there was an attempt of trespass, the plaintiffs predecessors in title, namely, the husband of the 1st plaintiff and father of the plaintiffs 2 and 3 filed a suit along with his mother and the same was decreed as could be seen from Exs.A1 to A6, A11 to A16. Both the Courts below found that the plaintiffs have established their title to the suit property by adducing valid evidence. The defendants though claimed title by way of adverse possession, they failed to prove such possession for continuous period of 12 years without any interruption. The Courts below pointed out that the documents filed by the defendants are not supporting the case of them with regard to the plea of adverse possession and they do not co-relate to the period of more than 12 years. Such factual findings rendered by both the Courts below based on the appreciation of evidence and pleadings of the respective parties do not require any interference by this Court as this Court also finds no substantial question of law arises for consideration to entertain this appeal. Accordingly, the Second Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Subordinate Judge, Ranipet.

2. The District Munsif,
Sholinghur, Vellore.

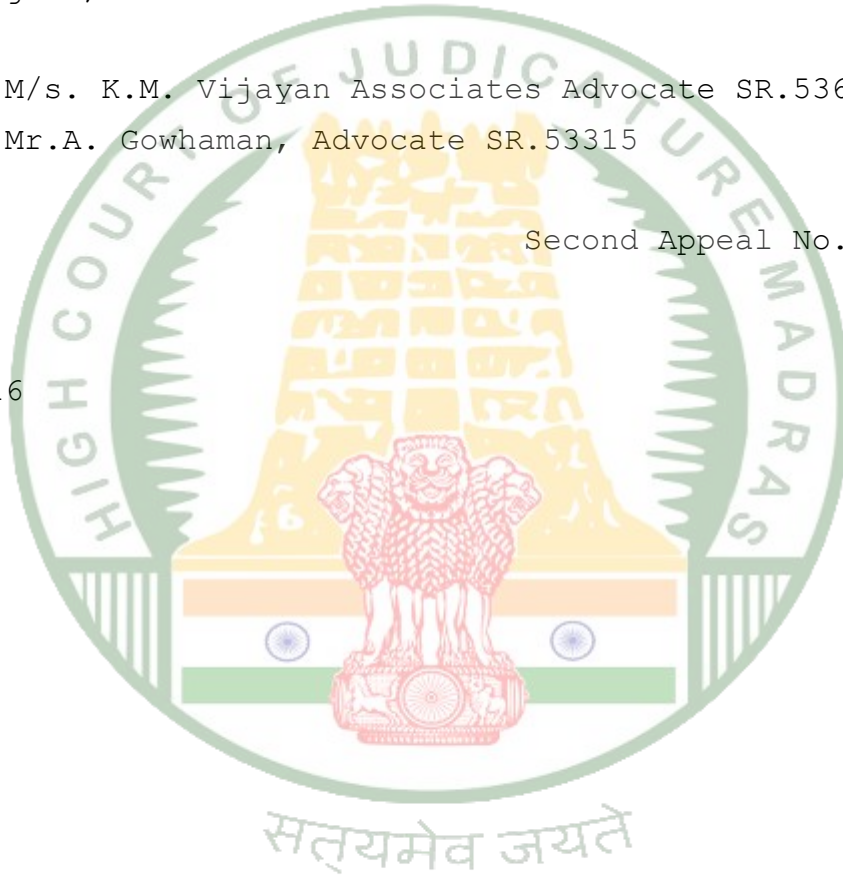
+ 1 cc to M/s. K.M. Vijayan Associates Advocate SR.53643

+ 1 cc to Mr.A. Gowhaman, Advocate SR.53315

Second Appeal No.772 of 2016

RJ(CO)

EU 08.11.16



WEB COPY