

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Second Appeal No.919 of 2016
and
C.M.P.No.18574 of 2016

E.Maheswari ..Appellant/Plaintiff

-Vs-

R.Natesan ..Respondent/Defendant

Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 26.02.2007 passed in A.S.No.123/2002 on the file of Subordinate Court, Namakkal, confirming the decree and judgment dated 23.09.1999 in O.S.No.340/1996 by the District Munsif Court, Thiruchengode.

For Appellant : Mr.R.Nalliappan

J U D G M E N T

The appellant is the plaintiff in a suit for bare injunction. She sought for injunction against the defendant, who is the respondent herein, by contending that the suit property belongs to her, with which, the defendant is trying to interfere with her exclusive possession. Both the courts below, considering the rival pleadings of the parties and the evidence let in by them, found that the plaintiff has not established her exclusive possession over the suit property which in effect found to be a common pathway enjoyable by the parties to the suit as well as others. It is also found that the plaintiff deliberately suppressed the existence of common pathway in Ex.A1 parent document, even though, such pathway was available in other documents and thereafter filed the present suit after six months only with an intention to grab such common pathway also with her property. Therefore, both the Courts below have concurrently found that the plaintiff is not entitled for the relief as sought for.

2. Considering the above facts and circumstances, and the findings rendered by the Courts below based upon the evidence let in by the parties, this Court is not inclined to entertain

the Second Appeal as it does not find any substantial question of law for doing so. Accordingly, the Second Appeal fails and the same is dismissed. No costs. Consequently, connected C.M.P.No.18574 of 2016 is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

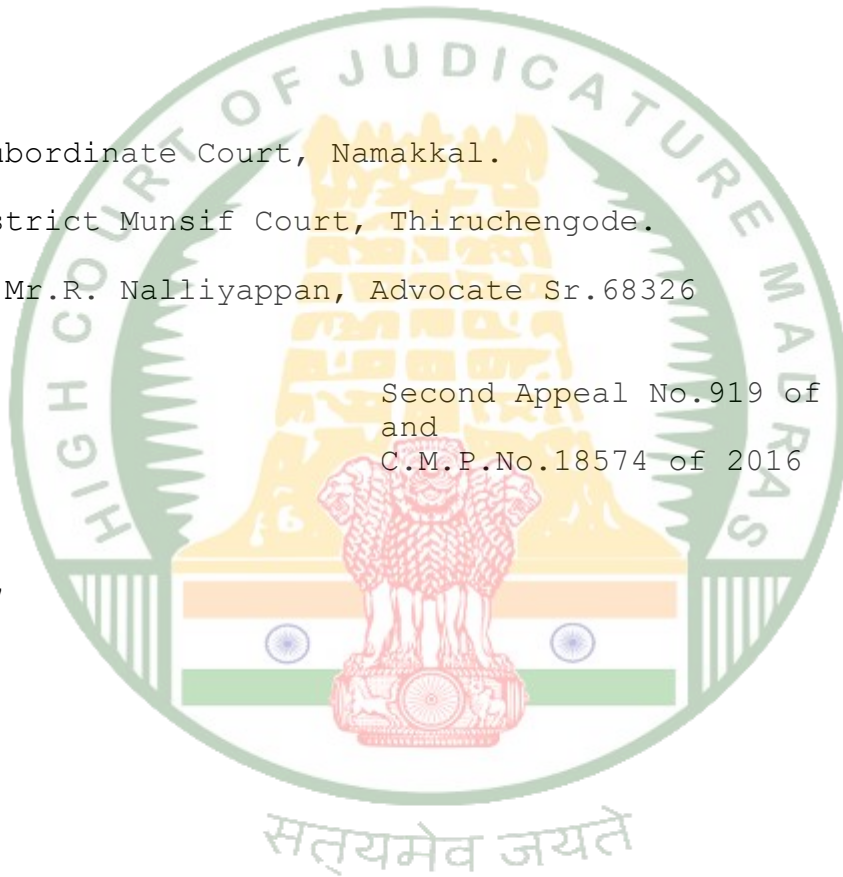
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To

1. The Subordinate Court, Namakkal.
 2. The District Munsif Court, Thiruchengode.
- + 1 cc to Mr.R. Nalliyappan, Advocate Sr.68326

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