



the property from the right owners; and also whether the plaintiffs are entitled for declaration.

3. Analysing the evidence, both oral and documentary, the trial Court has come to the conclusion that the plaintiffs have failed to prove the title by oral and documentary evidence, but, on the other hand, the defendants have proved the title by filing documentary evidence and substantiated the same through oral evidence. Accordingly, the suit was dismissed. Aggrieved over the same, the appellants have preferred an appeal and the lower appellate Court also found that the appellants/plaintiffs have not established their title, entitling them for a declaratory decree. The lower appellate Court has framed the issues as to whether the plaintiffs are entitled to 'A' and 'B' schedule properties through their ancestors and whether they are in possession of the property, entitling them for declaration. After considering the factual aspects elaborately, the lower appellate Court has come to the conclusion that the plaintiffs do not have any right over the property and they have failed to prove their title. It confirmed the finding of the trial Court that the property was allotted to the share of the defendants and they have derived title through their ancestors and that the suit is bad for non-joinder of necessary parties. Since the plaintiffs, during examination, have not denied the derivation of title in favour of the defendants and since they have failed to prove the possession, the order of the trial Court has been confirmed. Aggrieved over these concurrent findings, this Second Appeal is filed.

4. The following substantial questions of law are formulated in this Second Appeal :

(1) Whether the decisions of the Courts below are vitiated in not considering the oral and documentary evidence particularly Exs.A1 to A3 and the revenue records to dismiss the suit ?

(2) Whether the plaintiffs are entitled to a decree on proving that the plaintiffs and their predecessors in title were the first occupants of the natham lands ?

5. Considering the submissions made by both the parties and in view of my discussion as above, I find that no substantial questions of law are involved in this Second Appeal for determination. As both the Courts below have concurrently given their findings on facts, this Court is not inclined to interfere with the said findings in this Second Appeal.



6. Second Appeal is, therefore, dismissed. No costs. Consequently, the connected M.P.No.1 of 2008 and C.M.P.No.9719 of 2017 are closed.

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Assistant Registrar(CS III)

Sub Assistant Registrar

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To

1.Additional District and Sessions
Court - cum- Fast Track Court No.2,
Ranipet.

2.District Munsif-cum-Judicial Magistrate No.1
Walajapet.

+1 cc to Mr.T.Sivagnanasambandan Advocate sr 81549
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S.A.No.37 OF 2008

rsi(co)
aa18/04/2018