

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.S.No.327 of 2011

1 PERINBA JABA ALAYAM
REP. BY PASTOR REV.JETSON ..PLAINTIFF

Vs

1 MANOHARAN

2 M.KRIPAKARAN

3 M.M.SHANTHAKUMAR

4 INDRAVELU

5 MAHADEVAN

6 ARPUTHAM

7 RADHA

8. PADMINI

9 INDRANI ..RESPONDENTS

Plaint filed under Order VII Rule 1 and 2 of C.P.C read with Order IV Rule 1 of O.S.Rules, praying to pass a judgment and decree a) Declaring that Perinanba Jabaalayam the plaintiff herein is the sole owner of suit schedule mentioned property having acquired title by virtue prescription and

adverse possession for the statutory period over the suit schedule mentioned property (b) For permanent injunction restraining the defendants, their men, agents, servants and other claiming through them from disturbing the plaintiff's peaceful possession of the suit property and (c) Cost of the suit.

For Plaintiff : Mr.A.S.Narasimhan

For Defendants 1 to 3
D5 to D7 : Set Ex-parte on 15.09.2014

For Defendant 4 : Mr.P.Gunaraj

For Defendant 8 : Mr.G.Appavu

ORDER

Heard the learned counsel appearing for the plaintiff and the learned counsel appearing for the defendants and perused the pleadings.

2. There is no representation for the ninth defendant either in person or through counsel. Hence, the ninth defendant is set ex-parte.

3. The following issues are framed for trial and adjudication:-

(i) Whether the plaintiff is in possession of the suit property and acquired title by adverse possession?

(ii) Whether the plaintiff is entitled for permanent injunction as prayed for?

(iii) Whether the plaintiff has acquired title by prescription over the suit schedule property?

(iv) To what other reliefs, the plaintiff is entitled to?

4. Affidavit of documents and list of witnesses shall be filed within two weeks from today. Inspection of documents shall be done within a period of two weeks thereafter. The Registry is directed to post the case before the learned Additional Master-II for recording evidence on 21.11.2016. Proof affidavit of PW-1 by then. Both parties are directed to co-operate with the learned Additional Master-II for recording evidence and the learned Additional Master-II is directed to complete the process of recording evidence within a period of twelve weeks thereafter and list the case before this Court for arguments.

24.10.2016

PUSHPA SATHYANARAYANA, J

srn

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