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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

SA.No.147 of 2012
and MP No.1 of 2012

M.Kannusamy

.. Appellant/Plaintiff

Vs.

1.Suromani
2.Mathiyazhagan
3. Selvamani
4. D.Maharaja
5. Rajamani
6. D.Robert
7. D.Lillipushpam
8. D.Vennila
9. A.Latha

... Respondents/Defendants

Prayer: Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree dated 22.09.2011 made in A.S.No.11 of 2009 on the file of the Court of the Sub Court, Bhavani, confirming the judgment and Decree dated 31.01.2008 in O.S.No.210 of 2007 on the file of the Principal District Munsif, Bhavani.

For Appellants	:	Mr.N.Manokaran
For Respondents	:	Mr.E.N.Sivasenapathy for R1 R3- unclaimed R2, R4 to R9 - No appearance

JUDGMENT

The plaintiff is the appellant in this second appeal.

2. The case of the plaintiff is that the suit properties originally belonged to the father of the defendants. After his demise, the property was managed by his wife and she died in the year 2007. A registered lease agreement was executed in favour of the plaintiff by the mother of the defendants on 06.03.1985. According to the plaintiff, he was paying the rents regularly till the lease was terminated.

3. It is stated that the plaintiff is running a Mosaic flooring business in the suit property after getting proper



permission from the concerned authorities. The grievance of the plaintiff is that the defendants were attempting to trespass into the property and disturb the peaceful possession and enjoyment of the suit property. The plaintiff also claimed adverse possession. It is under these circumstances, the suit came to be filed seeking for the relief of declaration of title and for permanent injunction.

4. Heard the learned counsel for the Appellant and carefully perused the findings rendered by both the Courts below.

5. Both the Courts below concurrently found that the very basis of the suit filed by the plaintiff is unsustainable. The plaintiff who admitted his possession in the property as a lessee, was claiming for title on the ground of adverse possession. The Courts below found that such a relief is unsustainable and to substantiate the same, both the Courts below relied upon various judgements, which clearly spelt out that even after the termination of tenancy, a tenant continuous to be a tenant and he can never raise a plea of adverse possession.

6. In the considered view of this Court, the findings of both the Courts below are in accordance with law and it does not warrant any interference of this Court. No substantial questions of law are involved in the present second appeal.

7. In the result, this Second Appeal is dismissed. Considering the facts and circumstances of this case, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

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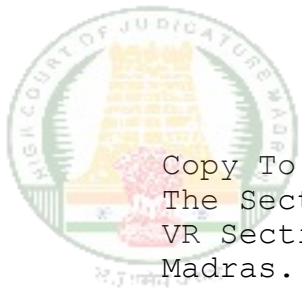
Sub Assistant Registrar

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To

1.The Subordinate Judge , Bhavani,

2.The Principal District Munsif, Bhavani.



Copy To:-
The Section Officer
VR Section, High Court
Madras.

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+1cc to Mr.N.Manokaran, Advocate, S.R.No.11446

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MG (CO)
CT 18/03/2022