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S.A.No.347 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM : JUSTICE N.SESHASAYEE

S.A.No.347 of 2023
and CMP.No.10538 of 2023

N.Shankar

.. Appellant / Appellant / Plaintiff

Vs

Udhagamandalam Municipality
Rep. by its Commissioner
Udhagamandalam
The Nilgiris.

.. Respondent / Respondent / Defendant

Prayer : Second Appeal filed under Section 100 of Civil Procedure Code praying to set aside the judgment and decree dated 03.02.2023 passed by the learned Subordinate Judge, Udhagamandalam in A.S.No.4 of 2022 confirming the judgment and decree dated 26.02.2021 passed by the learned District Munsif, Udhagamandalam in O.S.No.173 of 2015.

For Appellant : Mr.A.Sriram



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JUDGMENT

The plaintiff who lost his suit for bare injunction successively before the trial Court in O.S.No.173 of 2015 and before the first appellate Court in A.S.No.4 of 2022, is the appellant herein.

2. The appellant claims that he is a licensee to run Aavin milk booth in the suit property, but when he faced interference to his peaceful possession from the defendant-Municipality, he had laid the suit.

3. According to the defendant, the milk booth is run by the plaintiff in its land and that he is an encroacher.

4. The dispute went to trial and both the Courts found that the plaintiff is in unauthorised occupation of the property of the defendant. Indeed, even the plaintiff as P.W.1 admits in his cross-examination that the site where he has put up his milk booth belongs to the defendant.

5. Heard the learned counsel for the appellant and perused the papers. This



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Court does not find that this case involves any substantial question of law as to warrant admission, and hence, the appeal is dismissed. Consequently, connected miscellaneous petition is closed.

05.06.2023

Index : Yes / No

Speaking Order / Non-speaking Order

ds

To:

1.The Subordinate Judge
Udhagamandalam.

2.The District Munsif
Udhagamandalam.

3.The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE.J.,

ds

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