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IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 05.06.2024

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THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

S.A.No.107 of 2021

Damodaran .. Appellant

Vs

1.K.Mohan
2.K.Jaganathan .. Respondents

Prayer: This Appeal is filed under Section 100 CPC against the judgment and decree passed in A.S.No.14 of 2019 (A.S.No.13 of 2017), dated 14.10.2020, by the Special Sub Court for LAOP Cases, Arakkonam, Vellore District, confirming the judgment decree passed in O.S.No.183 of 2010, dated 14.02.2017, by the District Munsif Court, Arakkonam.

For Appellant : Mr.Jeremiah Gregory John

For Respondents : Mr.Vishnu Prasad
for M/s.Sarvabhavman Associates

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JUDGMENT

The Second Appeal has been filed challenging the concurrent findings of the Courts below.

2. In the suit, the appellant herein is the defendant and the respondents herein are the plaintiffs. The parties are referred to in the following paragraphs as per their litigative status in the suit.

3. The suit was filed for a bare injunction restraining the defendant from interfering with the plaintiffs' peaceful possession and enjoyment of the suit schedule properties.

4. Before the Trial Court, the plaintiffs had filed a settlement deed to prove their ownership and they have also filed revenue records in the form of Adangal, Kist receipts and computerized patta. All these documents were marked as exhibits on the side of the plaintiffs.

5. The Trial Court, by its judgment and decree dated 14.02.2017 passed in O.S.No.183 of 2010, based on the evidence available on

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record, decreed the suit as prayed for by the plaintiffs. Aggrieved by the same, the defendant filed an appeal in A.S.No.14 of 2019 on the file of the Special Sub-Court, Arakkonam. The Lower Appellate Court has also confirmed the findings of the Trial Court by dismissing the appeal filed by the defendant. Aggrieved by the concurrent findings of the Courts below, the present Second Appeal has been filed by the defendant.

6. Both the Courts below, based on the evidence available on record, namely, Adangal extract (Ex.A2), Settlement Deed dated 10.03.2013 executed in favour of the plaintiffs by their mother (Ex.A3), computerized patta standing in the name of the plaintiffs (Ex.A4), Kist receipts (Ex.A5) and the extract of the "A" register (Ex.A6), have rightly held that the plaintiffs are in legal possession of the suit schedule properties. Therefore, this Court, sitting in Second Appeal under Section 100 of CPC, cannot re-appreciate the concurrent findings of the Courts below, which are the fact-finding Courts. There is no question of law involved in this second appeal, as there are no debatable issues of law involved as seen from the grounds of appeal filed by the appellant.

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7. For the forgoing reasons, there is no merit in the Second Appeal and accordingly, the Second Appeal is dismissed. No Costs. CMP.No.1554 of 2021 is closed.

05.06.2024

Index: yes/no
Neutral citation: yes/no
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To

1.District Munsif Court,
Arakkonam.

2.Special Sub-Court,
Arakkonam.

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ABDUL QUDDHOSE,J.

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