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CMP.No.7335 of 2024
in
OSA.Sr.No.18904 of 2024

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

The petitioner seeks leave to challenge a decree granted on the original side of this Court on 12th July 1871.

2. It is the claim of the petitioner that only recently it was discovered that a portion of the property which has been declared as belonging to the respondents in the said decree, actually belongs to the predecessor in interest of the petitioner.

3. Be that as it may, the decree itself is 153 years old. Such a long established title cannot be permitted to be disturbed at the instance of a successor in interest after several years. A five Judge Bench of this Court in *Muttuchidambara Vs. Karuppa* reported in *ILR 7 MADRAS 382* while answering a reference on the scope of Section 265 of the Code of Civil Procedure, 1859 (Section 54 of the Code of Civil Procedure, 1908) observed that long established titles cannot be allowed to be disturbed by re-examining a settled position of law.



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4. The said principle would apply to the case on hand also and we do not think we can re-examine the settled title which was declared even in the year 1871 precisely 153 years old.

5. Hence, this petition is **dismissed**.

(R.S.M., J.) (R.S.V., J.)
27.03.2024

dsa



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