



S.A. No.538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM:
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

S.A. No.538 of 2024
and
C.M.P.No. 17237 of 2024

B.Ramesh

... Appellant

Vs.

N.Vatsala

.. Respondent

PRAYER : Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the judgment and decree dated 02.01.2024 passed in A.S.No. 1 of 2023 on the file of the Sub-Court, Alandur (A.S.No.30 f 2018-Sub-Court, Tambaram) confirming the judgment and decree dated 20.09.2017 made in O.S.No.546 of 2000 on the file of Addl. District Munsif Court, Alandur.

For Appellant : Mr.N.Manoharan

For Respondent : Mr.T.V.Krishnakumar



S.A. No.538 of 2024

JUDGMENT

WEB COPY

The appellant herein is the defendant in the suit preferred this Second Appeal challenging concurrent the findings of the courts below in the Appeal Suit in A.S.No. 1 of 2023 on the file of Sub-Judge, Alandur confirming the judgment and decree passed in O.S.No.546 of 2000 on the file of the Addl. District Munsif Court, Alandur.

2. For the sake of convenience, the parties are referred as per the ranking in the suit.

3. Today when the matter taken up for hearing, both the learned counsel for appellant and respondent appeared. The learned counsel for appellant/defendant would submit that the plaintiff purchased an extent of 2510 sq.ft. in plot No.21 as per Ex.A1 sale deed and as per the measurements given in the approved layout plan attached with Ex.A1, whereas the Commissioner had proceeded to measure the property on the basis of Ex.A3 (Patta), wherein the extent has been given as 2692.3 sq.ft. (2.5 are). However, on perusal of Commissioner's report, it reveals that on the southern side of Plot No.21, there is a vacant land left after 2.9 metres being encroached by the owner of Plot No.22 viz., appellant herein. But,



S.A. No.538 of 2024

before the trial court, he has not raised any objection for the commissioner's report.

4. Considering the concurrent findings of the courts below and also on considering the fact that when the Commissioner filed the report, since the defendant has not raised objection for his report earliest point of time, I do not find any merit in this Second Appeal and also finds that there is no question of law arise for consideration. Accordingly, this Second Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.08.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

The Sub-Judge, Alanthur.



WEB COPY



S.A. No.538 of 2024

T.V.THAMILSELVI, J.

rpp

S.A. No.538 of 2024

13.08.2024