



S.A.No.1091 of 2019

**WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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|----------------------|-------------------|
| <b>Reserved on</b>   | <b>08.07.2025</b> |
| <b>Pronounced on</b> | <b>08.08.2025</b> |

**CORAM**

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**S.A. No.1091 of 2019**

K.Sundaram

...Appellant

**Vs.**

P.B.Mani

... Respondent

Prayer : Second Appeal filed under Section 100 CPC, 1908 against the judgment and decree of the learned Sub-ordinate Judge at Coonoor, in A.S.No.34 of 2017 dated 19.07.2017 reversing the judgment and decree of the learned District Munsif, Coonoor, in O.S. No.79 of 2010 dated 14.12.2016.

For Appellant : Mr.S.Sundaresan

For Respondent : Mr.N.Damodaran



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## **JUDGMENT**

The second appeal has been preferred against the judgment and decree dated 19.07.2017 passed by the learned Sub-ordinate Judge at Coonoor, in A.S.No.34 of 2017, reversing the judgment and decree dated 14.12.2016 passed by the learned District Munsif, Coonoor, in O.S. No.79 of 2010.

2. At the time of admission, in this second appeal, the following question of law was formulated:

*Whether the lower appellate Court was right in dismissing the suit solely on the ground of adverse possession, when the defendant has not pleaded as to when he came into possession of the property and as to how his possession is adverse to that of the plaintiff at any point of time?*

For the sake of convenience, the parties are referred to as per their rankings in the trial Court.

3.The plaintiff is the appellant herein.



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4.The facts of the case as averred by the plaintiff in the plaint is that the plaintiff is the absolute owner of the residential premises bearing Door No.15/7 (old), 15/13 (New situated in survey No. 135/13 (old), 1197/12 (New) of Poraiarhatty Village, ever since by virtue of oral Family Partition effected between the plaintiff and his brothers on 02.01.2007 in respect of the ancestral properties and in the said oral partition the aforesaid Suit scheduled property among other properties were allotted to this Plaintiff's share. The plaintiff further states that originally the suit mentioned property among other properties were purchased by the plaintiff's father Late Kala Gowder from one J. Mathan of Poraiarhatty Village by virtue of registered Document dated 17.11.1919, and registered as document No. 1378 of 1919 on the file of Sub-Registrar, Coonoor for valuable consideration and ever since the date of purchase the plaintiff's father was in possession and enjoyment of the same and thereafter, the suit mentioned property was permitted to be occupied by Late Bellie Gowder i.e., the Defendant's father during the plaintiff's father's life time namely M. Kala Gowder, as the defendants family was facing hardships at that period. The said schedule mentioned



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property was permitted to be occupied by the Defendant's father late Bellie Gowder on condition that the same should be vacated and handed over as and when demanded and ever since the death of the Defendant's father Late Bellie Gowder, the Defendant herein has been in occupation of the suit schedule property under permissive occupation. The plaintiff further states that till date he is residing at Old Aruvankadu as a joint family along with his married son and now as the house at Old Aruvankadu is not sophisticated to live jointly along with his married son, the plaintiff has made up his mind to shift and reside at his ancestral house allotted to him in the aforesaid oral partition which is situated at Porajarhatty, his native village, to lead a peaceful life at his old age with his wife and moreover as all other family members are residing in the same village, it would be more convenient in all aspects for the plaintiff. Plaintiff has, therefore, issued a legal notice dated 30.05.2007 through his Advocate and thereby revoked the permission granted to the Defendant's family and requested to hand over the vacant possession of the suit mentioned property within 15 days of the receipt of the said legal notice. But the defendant herein despite having acknowledged the legal



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notice on 09.06.2007 has not complied with the demand as set out in the plaintiff's legal notice dated 30.05.2007, but has issued a reply notice dated 09.07.2007 through his Counsel to the plaintiff's Counsel on 11.07.2007, setting a false and frivolous allegations and denying the title of the plaintiff in respect of the suit mentioned property without any right, title or interest. As the Defendant has denied the title of the plaintiff in respect of the suit mentioned property, there is a cloud cast on the title of the suit mentioned property. Hence the plaintiff was constrained to file the above suit for the relief of declaration and possession of the suit mentioned property. Hence this suit.

5.The claim of the plaintiff was resisted by the defendant stating that the Plaintiff is not and cannot be the owner of the suit schedule described premises as per the sale deed as averred in the plaint notwithstanding the said sale deed as it was not meant to be acted upon and never acted upon. The possession and enjoyment of the suit premises had been with the grandfather of this defendant Mr. Matha Gowder and then with his father M. Bellie Gowder and after his death in the year



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1958 has been with the defendant, though the sale deed is said to be in favour of plaintiff's father as referred in the plaint, as evidenced by the payment of building tax respecting the suit premises. Possession of the suit premises was never at any point of time with plaintiff's father Late Kala Gowder as alleged in the plaint. Their possession and enjoyment of the suit premises is not permissive as alleged in the plaint. By design, the plaintiff has not chosen to mention the date and year when defendant's father late Bellie Gowder was permitted to occupy the suit premises. Obviously this contention of the plaintiff is not true and that is the reason he was unable to place in this regard. The defendant further states that possession and enjoyment of the suit premises originally by his grand father Mathan and then by his father M. Bellie and then by him for the past more than 90 years has been peaceful, open and continuous. Their possession has been open enough and hostile to the interest of the owner in the suit premises. He has perfected his title over suit property by adverse possession. Therefore there is no question of revocation of non existent permission as alleged in the plaint. The relationship between his family and that of the plaintiff was very bitter in the year 1993 itself. A



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criminal case came to be filed against the plaintiff, his son Rajkumar, his brothers Rajagopal and Krishna murthy and one Bolan son of Aija Gowder under Crime No. 154 of 1993 by the Ketti Police Station as they on 02.10.1993 had assaulted this defendant and his relatives causing them severe injuries and as a consequence faced a criminal prosecution in CC No.4 of 96 on the file of the learned Judicial Magistrate Coonoor and were convicted. Their revision petition, was also dismissed and their conviction was confirmed. A suit for damages filed by the plaintiff and his brothers Rajagopal and Krishnamurthy against this defendant's wife Smt. Saraswathi for Malicious Prosecution in the court of learned Sub-Judge Udhagamandalam having been dismissed after a full fledged trial. They preferred an appeal against the said decree which was allowed in respect of 2 plaintiffs directing the defendant to pay sum of Rs.500/- (Rs.250/- each to 2 plaintiffs) only to dismiss the claim of the Plaintiff as against their claim for Rs.75,000/-. In the said circumstance there was no scope for plaintiff to have waited till the year 2007, especially when there was enmity between the two families, permitting them to continue to enjoy their premises, to revoke the non existent permission. Therefore



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plaintiff's allegation that he had revoked the permission granted to defendant's family, through his notice dated 30.05.2007 is stretching credulity, pressed into service to sustain a case which is hopelessly time barred. Therefore the defendant prays to dismiss the suit with exemplary costs.

6. Based on the pleadings and materials on record and the arguments advanced by the respective counsels, the trial Court decreed the suit in favour of the plaintiff. Aggrieved by this, the defendant preferred the appeal suit in A.S.No.34 of 2017. Challenging the judgement and decree passed by the learned District Munsif, Coonoor in O.S.No.79 of 2010. The First Appellate Court reversed the judgment and decree passed by the trial Court in O.S.No.79 of 2010 dated 14.12.2016. Aggrieved by this, the present second appeal is preferred by the plaintiff.

7. The learned counsel appearing for the plaintiff submits that the plaintiff has proved his title through Ex.A1 Sale Deed and that from the date of purchase, the Plaintiff's father was put in possession and



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enjoyment of the suit property. Subsequently, they permitted the defendant's father to be in occupation of the same. He further submitted that after the revocation of permission by the Plaintiff, the defendant failed to vacate the suit property and hence, the plaintiff has constrained to file the above suit for declaration of title and for recovery of possession. He would further contend that in the absence of any plea of adverse possession by the defendant, the First Appellate Court erred in disbelieving the plaintiff's case of permissive possession granted in the year 1949 and discredited Ex.A.4 – Chitta and Ex.A.8 – Tax receipt, without any reason. His further contention is that the First Appellate Court did not appreciate Exs.B.1 to B.4 in a proper perspective manner, as it is quite natural that the defendant is in permissive possession. Ex.B.2 to B.4 will come into existence during the course of defendant's permissive possession in the suit property. He further contended that paying property tax for some period of time will also not support the case of the adverse possession. He further submitted that the plea of adverse possession should be pleaded specifically to compute when his possession became adverse to the true owner. The claim of the defendant



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that is Ex.A.1 sale deed is only sham and that the nominal document is not supported by any evidence. Moreover, the defendant has not taken any steps to declare the above sale deed as null and void. Furthermore, the defendant though claiming to be the absolute owner of the suit property failed to prove any document to support the same. The First Appellate Court failed to appreciate that the intention to possess is the other component of adverse possession which requires the intention to possess the property as that of his own by exercising some act like changing the patta, chitta, adangal in the name of the defendant with an intention to possess the property adverse to the real owner. The learned counsel relied on the dictum laid down by the Hon'ble Apex Court in the judgment reported in **2006 (7) SCC 570** in which it was held that mere possession howsoever long duration, does not automatically mean that it is adverse to the true owner and that classical requirement of acquisition of title, by adverse possession, is that such possession is in denial of true-owner's title and mere denial of title in the written statement is not sufficient.



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**WEB COPY** 8.He would further contend that the mere possession does not result in converting permissive possession into adverse possession automatically. The defendant ought to have surrendered possession and reoccupied the property to claim adverse possession which the defendant in the present case did not do so. The defendant failed to plea the starting point of adverse possession in clear terms and in the absence of any pleadings his oral evidence without any supporting document will not endure any title or interest over the property by efflux of time. He would further submit that the plaintiff had filed the suit for declaration and recovery of possession and proved his possession and discharged his burdern, whereas the defendant who pleaded the adverse possession did not discharge his burden which heavily cast upon him. Hence, the judgment and decree passed by the Sub Court, Coonoor in A.S.No.34 of 2017 is liable to be set aside and the judgment and decree of the District Munsif Court, Coonoor in O.S.No.79 of 2010 has to be restored.

9.On the other hand, the learned counsel appearing for the respondent/defendant submits that the defendant's grand father namely



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J.N.Mathan was a vendor in the sale deed executed in favour of the Plaintiff's father as per Ex.A.1. However, the father of the plaintiff namely Kala Goundan, did not take possession of the suit property and has never ended in his enjoyment. The defendant's grand father J.Mathan having been in possession till his death, thereafter, the defendant's father Bellie Gowder was in possession till 1958, after that the defendant has been enjoying the same till date. For the past 90 years, the defendant's family have alone been enjoying the suit schedule property peacefully, continuously and openly. He further submits that in the year 1993 the criminal cases were registered against the plaintiff and the defendant, as they entered in acquittal and the case was registered against the Plaintiff who entered into conviction. Therefore, it is made clear that even from 1993, the defendant claimed right over the suit property against the Plaintiff. Therefore, the defendant has perfected title over the suit property by adverse possession. The Plaintiff failed to file the suit within the statutory period and hence, the claim of the Plaintiff can't be granted in his favour. He further would submit that the defendant has RCC roofed house and has obtained service connection in his name. His



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further submission is that the defendant has exercised dominion over the land and therefore, the First Appellate Court rightly allowed the appeal and dismissed the judgement and decree passed by the trial Court which calls for any interference by this Court.

10.Heard both sides, records perused.

11.The case of the plaintiff is that the suit property was purchased by his father under Ex.A.1 sale deed on 17.11.1919 from the defendant's grand father namely J.Mathan. From the date of purchase, plaintiff's father was in possession and enjoyment of the said property. Subsequently, he permitted the father of the defendant namely Belli Gowder to occupy the same on condition to vacate whenever demanded. Thereafter, the plaintiff, after demise of his father became the absolute owner of the property. On 30.05.2007 the plaintiff issued a legal notice under A.5 calling upon the defendant to vacate the suit property. On 09.07.2007 the defendant sent a reply notice with false allegation.



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**WEB COPY** 12. On the contrary, the defendant would contend that Ex.A.1 sale deed was not acted upon and the plaintiff's family were never in possession and enjoyment of the suit property. The defendant's family are alone in possession and enjoyment of the suit property for the past 90 years. They have perfected title over the suit property by adverse possession.

13. Hence, the only question to be decided in this appeal is whether the first appellate Court was justified in concluding that the defendant has perfected the title by adverse possession over the suit property. At the outset, it is relevant to mention that the defendant has not produced any document to show that he is the owner of the suit property either by purchasing or by acquiring the same by any mode of transfer. Also, there is nothing on record to show that the property in question is the ancestral property of the defendant. However, on the contrary, the case of the defendant is that the sale deed in favour of the plaintiff's father under Ex.A.1 dated 17.11.1919 in respect of the suit property was not acted upon and that the defendant and his ancestors were not in permissive



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possession in the suit property. They have perfected title by adverse possession. In otherwards, the defendant does admit that the plaintiff is the owner of the property. But the sole contention of the contesting defendant is that he has perfected the title by adverse possession, and that the suit to claim possession of the suit property is beyond the period of limitation.

14.The specific contention of the plaintiff is that the defendant's ancestors were in permissive possession of the property and that the defendant has not perfected the title by virtue of adverse possession.

15.Since the contesting defendant having raised a plea of adverse possession, the burden is on them to prove affirmatively that the bar of limitation prescribed under Article 65 of the Schedule of the limitation Act, 1963, viz., 12 years, is applicable in the matter to file a suit for possession of immovable property based on title. The limitation of 12 years begins when the possession of the defendant would become adverse to that of the plaintiff. Thus, it is incumbent on the plaintiff to



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file a suit for possession within 12 years from when the possession of the defendant becomes adverse to the plaintiff. Article 65 presupposes that the limitations starts only if the defendant proves the factum of adverse possession affirmatively from a particular time. Adverse possession means a hostile assertion, i.e., a possession which is expressly or impliedly in denial of the title of the true owner. The person who basis his title on adverse possession must show, by clear and unequivocal evidence, that the possession was hostile to the real owner and it amounted to the denial of his title to the property claimed. In deciding whether the acts alleged by the person constitute adverse possession, regards must be given to the animus of the person doing such acts, which must be ascertained from the facts and circumstances of each case. It is needless to observe that where the possession can be referred to a lawful title, it would not be considered to be adverse, the reason being that the person whose possession can be drawn to a lawful title, will not be permitted to show that his possession was hostile to another's title. To simply put, one who holds possession on behalf of another, does not by mere denial of the others title, make his possession adverse so as to give



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himself the benefit of the statute of limitation. Though, the defendant has pleaded that he is the owner of the property, during the course of trial he has only concentrated on the contention that he had perfected the title by adverse possession. Although, as per his evidence from the material evidence on record and his contention, the defendant has tried to show that the defendant and his ancestors were in continuous possession of the property for more than 90 years. But there is no iota of evidence to show as to when the defendant's possession in fact became adverse to the interest of the plaintiff, except for the criminal proceedings. Other than that, no material is produced by the defendant to show whether the possession was really hostile to the actual owner. There is absolutely nothing on record to show that there was a hostile assertion by the defendant. There is no mutation of revenue records in the name of the defendant or his ancestors. In fact, Ex.A.4 chitta extract shows the plaintiff as one of the copattadhars for survey no. 1197/12. Except for the tax receipts, electricity bills, ration card and gas connection, the defendant has not produced any document to show that he has perfected title in the suit property. The above documents does not establish his



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ownership in the suit property.

16.I do not find that the defendant had hostile animus at any point of time, from the facts and circumstances of this case. The defendant has denied the title of the plaintiff over the suit property only when the suit came to be filed, inasmuch as the defendant has taken such a contention for the first time in his written statement. Till then the defendant or his ancestors have not filed any suit to declare their title in the suit property.

17.The non use of the property by the owner even for a long time may affect the title of the owner under certain circumstances. The acquisition of title by adverse possession springs into action essentially by default or in action of the owner. There is a lot of difference between simple possession and adverse possession. Every possession is not adverse possession. The defendant will not acquire adverse possession by simply remaining in permissive possession for howsoever long it may be.

18.Until the defendant's possession becomes adverse to that of the



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real owner, the defendant continues to be in permissive possession of the property. Only if the defendant's possession becomes adverse to the interest of the real owner and the real owner fails to file the suit for possession within 12 years, as prescribed under Article 65 of the Limitation Act, from the point of time the possession by the defendant, becomes adverse to the plaintiff, the real owner loses his title over the property.

19.The defendant is not only required to prove that he has been in possession of the suit property continuously and uninterruptedly, but also need to prove, by cogent and convincing evidence, that there is hostile animus and possession adverse to the knowledge of the real owner. The hon'ble Apex Court while discussing the law relating to adverse possession in ***P.T. Munichikkanna Reddy and Ors. v. Revamma and Ors.*** MANU/SC/7325/2007: (2007) 6 SCC 59 p. 68 P. 8, held that, to assess a claim of adverse possession, a two-pronged enquiry is required; viz. application of the limitation provisions, and the specific positive intention to dispossess on the part of the adverse possessor.



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20. Again in ***Thakur Kishan Singh v. Arvind Kumar*** MANU/SC/0015/1995: (1994) 6 SCC 591 p. 594, it was held as follows:

*"As regards adverse possession, it was not disputed even by the trial court that the Appellant entered into possession over the land in dispute under a licence from the Respondent for purposes of brick-kiln. The possession thus initially being permissive, the burden was heavy on the Appellant to establish that it became adverse. A possession of a co-owner or of a licensee or of an agent or a permissive possession to become adverse must be established by cogent and convincing evidence to show hostile animus and possession adverse to the know ledge of real owner. Mere possession for howsoever length of time does not result in converting the permissive possession into adverse possession. Apart from it, the appellate court has gone into detail and after considering the evidence on record found it as a fact that the possession of the Appellant was not adverse."*

21. Talking about the concept of intention to dispossess, the case of Powell v. McFarlane (1977) 38 P &



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WEB COPY CR 452 was used as guidance in P.T. Munichikkanna Reddy and Ors. v. Revamma and Ors. (supra), wherein it is stated thus:

*On intention, Powell v. McFarlane is quite illustrative and categorical, holding in the following terms:*

*If the law is to attribute possession of land to a person who can establish no paper title to possession, he must be shown to have both factual possession and the requisite intention to possess ('animus possidendi').*

*If his acts are open to more than one interpretation and he has not made it perfectly plain to the world at large by his actions or words that he has intended to exclude the owner as best he can, the courts will treat him as not having had the requisite animus possidendi and consequently as not having dispossessed the owner.*

*In my judgment it is consistent with principle as well as authority that a person who originally entered another's land as a trespasser, but later seeks to show that he has dispossessed the owner, should be required to adduce compelling evidence that he had the requisite animus possidendi in any case where his use of the land was equivocal, in the sense that it did not necessarily, by itself*



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**WEB COPY** *betoken an intention on his part to claim the land as his own and exclude the true owner.*

*What is really meant, in my judgment, is that the animus possidendi involves the intention, in one's own name and on ones own behalf to exclude the world at large, including the owner with the paper title if he be not himself the possessor, so far as is reasonably practicable and so far as the processes of the law will allow.*

*Thus, there must be intention to dispossess and it needs to be open and hostile enough to bring the same to the knowledge and plaintiff has an opportunity to object. After all adverse possession right is not a substantive right but a result of the waiving or omission of right to defend or care for the integrity of property on the part of the paper owner of the land. Adverse possession statutes, like other statutes of limitation, rest on a public policy that do not promote litigation and aims at the repose of condition that the parties have suffered to remain unquestioned long enough to indicate their acquiescence.*

22. Thus, it is important to assess whether such intention to dispossess is apparent to the actual owner or not. The intention of the adverse user must be communicated atleast impliedly to the actual owner



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of the property. His hostile attitude should be open to the knowledge of the real owner. It follows that the intention and possession of the adverse possession must be hostile enough to give rise to a reasonable notice to the actual owner. Applying the test of *nee vi, nee clam, nee precario* i.e., 'without force, without secrecy, without permission' as an established test for finding adverse possession, we find that the Defendants have not proved their possession to be adverse to that of the real owner inasmuch as they entered into possession as licensees to begin with and there is nothing on record to show as to when the permissive possession became adverse to the interest of the real owner. 'Animus possidendi' is one of the Ingredients of adverse possession, and unless the person possessing the property has the requisite hostile animus, the period of prescription does not commence. Virtually, the Defendants are required to prove the possession to be adequate in continuity, adequate in publicity and to adequately show that their possession is adverse to that of the true owner. It must start with wrongful dispossession of the rightful owner and be actual, visible, exclusive, hostile and continued over the statutory period. The physical fact of exclusion, possession and



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animus possidendi to hold as owner, in exclusion to the actual owner, are the most important factors to prove adverse possession. A person pleading adverse possession has no equities in his favour. Since he is trying to take away the rights of the true owner, it is for him to clearly plead and establish all the facts necessary to establish his adverse possession. It is an established position of law that insofar as Articles 64 and 65 of the Limitation Act are concerned, once a party proves its title, the onus of proof would be on the other party to prove the claim of title by adverse possession. In this case, it is an admitted fact that the ownership of the said suit property rests with the Plaintiffs. In this given scenario, it is our considered view that the Defendants have not proved the onus of adverse possession against the Plaintiffs. The Hon'ble Supreme Court in the case of Hemaji Waghaji v. Bhikhabhai Khengarbhai and Ors. MANU/SC/4083/2008: (2009) 16 SCC 517 has opined that there is an urgent need for a fresh look regarding the law on adverse possession by observing thus:

*32. Before parting with this case, we deem it appropriate*



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*to observe that the law of adverse possession which ousts an owner on the basis of inaction within limitation is irrational, Illogical and wholly disproportionate. The law as it exists is extremely harsh for the true owner and a windfall for a dishonest person who had illegally taken possession of the property of the true owner. The law ought not to benefit a person who in a clandestine manner takes possession of the property of the owner in contravention of law. This in substance would mean that the law gives seal of approval to the illegal action or activities of a rank trespasser or who had wrongfully taken possession of the property of the true owner.*

*33. We fail to comprehend why the law should place premium on dishonesty by legitimising possession of a rank trespasser and compelling the owner to lose his possession only because of his inaction in taking back the possession within limitation.*

*36. In our considered view, there is an urgent need of fresh look regarding the law on adverse possession. We recommend the Union of India to seriously consider and make suitable changes in the law of adverse possession. verse possession.*



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23.This aforementioned observation was reiterated by The Hon'ble Supreme Court in a subsequent judgment of *State of Haryana v. Mukesh Kumar MANU/SC/1147/2011: (2011) 10 SCC 404* wherein the Court observed that the law of adverse possession needs a re-look, holding the right to property to be a human right, in addition to it being a constitutional or a statutory right.

24. In the light of the above observations of the Hon'ble Supreme Court, this Court find that there is no absolute requirement to deem the mere possession of the suit property by the Defendants to amount to adverse possession over the suit property. This would be in clear violation of the basic rights of the actual owner of the property. There is nothing on record to show that the Defendants' permissive possession over the property became adverse to the interest of the real owner, at any point of time. On the contrary, the records reveal that the permissive possession of the Defendants continued till the filing of the suit. The Defendant has relied upon certain paid tax receipts and electricity bill.



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Even assuming that those documents relate to the suit house, these documents at the most, depict the possession of the Defendant and not their, adverse possession.

25. Therefore, mere possession of the defendant qua the suit property, however long, it may be, does not mean that their possession is adverse to the true owner. The defendant must plead and prove the date on and from which he claims the suit property to be in his possession exclusively, continuously and uninterruptedly and also should further plead that such possession was actual and to the knowledge of the real owner and further, plead and prove that such a hostile title had been communicated to the real owner. It is not the case of the defendant that Ex.B1 to E.B.4 have been effected in the name of the defendant qua the suit property to the knowledge of the plaintiff. Moreover, the above documents would not be sufficient to hold that the defendant has perfected title to the suit property by way of adverse possession. In order to constitute adverse possession as discussed above, the possession proved must be adequate in continuity, in publicity and in extent so as to



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show that it is adverse to the true owner. Since the defendant has not produced any document to show that he is the owner the suit property, it has to be presumed that he is only in permissive possession of the suit property and therefore, it is not required for the plaintiff to prove the factum of permissive possession.

26. Having regard to the totality of the facts, in my considered opinion, the First Appellate Court is not justified in arriving at the conclusion that the defendant has perfected title by adverse possession.

27. In view of the same, the judgement of the First Appellate Court in A.S.No.34 of 2017 dated 19.07.2019 on the file of the learned Subordinate Judge at Coonoor is set aside. The judgment of the trial Court in O.S. No.79 of 2010 dated 14.12.2016 on the file of the learned District Munsif, Coonoor is restored. Hence, the Second appeal is allowed. No costs.

08.08.2025

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
vsn



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To

1. The Subordinate Judge, Coonoor.
2. The District Munsif, Coonoor,
3. The Section Officer, VR Section, High Court, Madras.



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**K.GOVINDARAJAN THILAKAVADI,J**  
vsn

**Pre- delivery judgement made in**  
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