

**S.A.No.768 of 2022****P.T.ASHA, J.,**

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This Second Appeal is admitted on the following Substantial Questions of law:-

“1. Whether the courts below were right in dismissing suit for declaration a Injunction on the ground that the 1st defendant was granted assignment patta in his name, ignoring the law that assignment Patta will not override the sale deed in the name of 1st plaintiff's father in law which was marked as ExA9, on the side of the plaintiffs?

2. Whether the lower appellate court was right in dismissing the application filed by the plaintiff to receive additional evidence, wherein he has produced certified copy of Ex.A9 with Registration Number?

3. Whether the courts below were right in dismissing the suit on the ground that even though in an earlier round of litigation, to the same property, the defendants herein was plaintiffs in a suit for declaration lost their case as against the present plaintiffs, will it not debare the defendant from claiming title once again?

4. Whether the courts below were right in coming to a conclusion that as per Ex.B.1, the Assignment Patta, the 1st defendant had established a title to the property, ignoring the law patta is not a document for title?



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5. *Whether the courts below were right in ignoring the law with regard to Gramanatham land the 1st occupier of the land would be considered as Owner of property and Government is not owner of the property, if so will it not the assignment deed by a Government to defendant loses its validity?*

6. *Whether the courts below were right in dismissing the suit ignoring law that even in a suit for injunction, if discussion regarding to title gone through court and given finding regarding title, will bind on the parties who were initiated a another suit for different cause of action to the very same property?*

7. *Whether the courts below were right in finding fault on the revenue official to grant patta in the name of plaintiff based upon a decree for injunction, when admittedly the defendant failed to establish his title and plaintiffs has prove their possession?"*

Notice.

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Note: Registry is directed to send a copy of the Substantial Questions of law framed by this Court along with the Notice.



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C.M.P.No.15781 of 2022

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SA.No.768 of 2022

P.T. ASHA, J.

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