

S.A.No.557 of 2022

P.T.ASHA, J.

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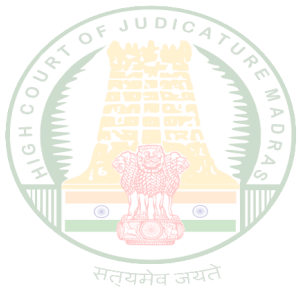
This Second Appeal is admitted on the following Substantial

Questions of Law:

"(1)Whether the Courts below have substantially erred in Law in ignoring Ex.A.1 and Ex.A.2 which are the registered documents and Title Deed to both the appellant and the 1st respondent in view of the well settled principle of Law that the registered documents will prevail over the oral evidence of parties?

(2)Whether the Courts below have failed to give their findings on the strength and evidence produced by the appellant?

(3)Whether the Reports given by the two Experts,viz., the Town Sub Inspector of Survey and the Government Approved Valuer (Licence No.F-8924) in Coonoor who are competent and have the requisite special expertise in this particular field, based on the physical features and factual aspects after the joint site inspection carried out in the presence of the Advocate Commissioner appointed by the trial Court, appellant and the respondents, can be totally ignored?



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(4) Whether the issue of encroachment can also be decided based on the continuous use of the common road for over four decades as easementary right to the appellant's property and the usage of common road emanating from the Parent Deed is legal and sustainable in Law?

(5) Whether the Subordinate Court was justified in passing the impugned Judgment, when the 1st defendant was purchased the common land for which the vendor to the 1st defendant had no absolute right to sell in terms of the Parent Title Deed, the Partition Deed dated 28.10.1955 registered as Doc.No.828/1955 on the file of the SRO, Coonoor?"

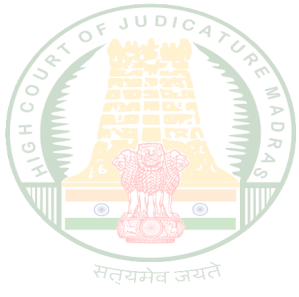
Notice.

16.08.2022

mps

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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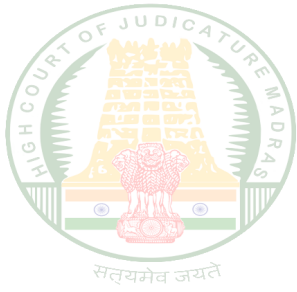
P.T. ASHA, J,

mps

S.A.No.557 of 2022

16.08.2022

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C.M.P.No.11096 of 2022

in

S.A.No.557 of 2022

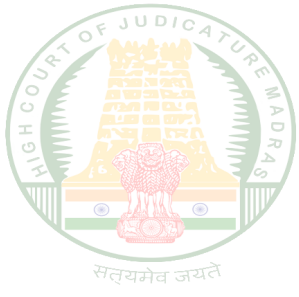
P.T.ASHA, J,

The learned counsel for the petitioner seeks permission of this Court to withdraw this Petition. She has also made an endorsement to that effect.

In view of the endorsement made by the learned counsel for the petitioner, this Petition is dismissed as withdrawn.

16.08.2022

mps



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P.T. ASHA, J,

mps

C.M.P.No.11096 of 2022
in
S.A.No.557 of 2022

16.08.2022

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