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S.A. No.895 of 2014

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and M.P. No.1 and 2 of 2014

N.ANAND VENKATESH, J.,

The Second Appeal is admitted and the following Substantial Questions of Law are framed:

a) Whether the lower appellate Court was right in modifying the decree passed by the trial Court and confining the relief of permanent injunction only to an extent of 840 sq.ft., without taking into consideration the patta issued in favour of Kannan under Ex.A1 and the admission made by the defendants during cross examination to the extent that the possession of the Poromboke lands by the plaintiff is to be construed only as an encroachment and the plaintiff was only an unauthorised occupier ?

b) Whether the lower appellate Court brushed aside the statement made by the defendants during cross-examination to the effect that patta was granted in the year 1970 to all those persons who were found in possession of the property and accordingly Ex.A1 patta was also issued in favour of Kannan and there was a continued possession for more than thirty years which will entitle the plaintiff for the relief of permanent injunction for the entire extent ?



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c) Whether the findings of the lower appellate Court can be termed as perverse due to improper appreciation of the oral and documentary evidence ?

2. Learned counsel appearing on either side shall address their arguments on the substantial questions of law framed by this Court. Post this case under the caption "For final hearing" on 30.03.2022.

23.03.2022

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