



S.A.No.780 of 2022

P.T.ASHA, J.

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This Second Appeal is admitted on the following Substantial

Questions of Law:

"(1)Whether in law, when the defendant sets up title, is not the plaintiff bound to seek declaration of title as a cloud is cast on the title especially in the wake of Ex.B.2?

(2)Have not the Courts below misread the Ex.B.2 and Ex.A.4 which has resulted in perverse finding?

(3)In the absence of specific pleading and evidence regarding the encroachment, are the Courts below right in granting decree for possession and mandatory injunction?

(4)Have not the Courts below failed to see that the suit is clearly barred by Section 27 of the Limitation Act?

(5)Is not the relief of mandatory injunction clearly barred by limitation?"

Notice.

11.10.2022

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.780 of 2022

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(5/12)



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C.M.P.No.16036 of 2022

in

S.A.No. 780 of 2022

P.T.ASHA, J.

There shall be an order of Interim Stay of all further proceedings pursuant to the Judgment and Decree dated 13.06.2022 in A.S.No.2 of 2020 on the file of the learned Subordinate Judge, Ootacamund, confirming the Judgment and Decree dated 31.10.2019 in O.S.No.26 of 2011 on the file of the learned District Munsif, Ootacamund, until further orders.

11.10.2022

mps



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P.T. ASHA, J.

mps

C.M.P.No.16036 of 2022
in
S.A.No.779 of 2022

11.10.2022
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