

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6262 OF 2003

M.VENUGOPALAppellant
VERSUS

DY. COMMISSIONER,
CHITRADURGA DISTRICT & ORS.Respondents

ORDER

In our view, this is not a fit case for entertaining the appeal in the exercise of our discretionary power under Article 136 of the Constitution. For the first time before this Court, relying on an order passed by this Court in Civil Appeal No.14741 of 1996, the learned counsel for the appellant sought to argue that the appellant may be permitted to raise the plea of adverse possession and for that purpose the concurrent orders of the three courts below may be set aside and the matter may be sent back to the original authority for determination afresh. In our view, this submission of the learned counsel for the appellant cannot be accepted only because the appellant

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has not filed any amendment to the original petition even before this Court nor they have raised any question regarding the adverse possession before the courts below including the High Court. At this stage, we do not find any ground to permit the appellant to raise such plea. No other ground was raised by the learned counsel for the appellant. Accordingly, the civil appeal being C.A. No.6262 of 2003 is dismissed with no order as to costs. The interim order, if any, stands vacated.

.....J.
(TARUN CHATTERJEE)

.....J.
(V.S. SIRPURKAR)

NEW DELHI,
NOVEMBER 06, 2008.
ITEM NO.106

COURT NO.7

SECTION IVA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6262 OF 2003

M.VENUGOPAL Appellant (s)

VERSUS

DY.COMMNR.,CHITRADURGA DISTT.,K.A.&ORS.

Respondent(s)

WITH Civil Appeal NO. 6263 of 2003

Date: 06/11/2008 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s) Mr. Shantha Kr. V. Mahale, Adv.
Mr. Harish S.R., Adv.
Mr. Rajesh Mahale, Adv.
Mr. P. Narasimhan, Adv.

Mr. R.S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Mr. Rahul Tyagi, Adv.
Mr. Ashwani Garg, Adv.
Mr. P.P. Singh, Adv.

For Respondent(s) Mr. Bhaskar Y. Kulkarni, Adv.
Mr. Sanjay R. Hegde, Adv.
Mr. Rajesh Mahale, Adv.

Mr. Ajit Kumar Pande
Mr. Pradeep Yadav, Adv.

UPON hearing counsel the Court made the following
ORDER

CIVIL APPEAL NO.6262 OF 2003:

The civil appeal being C.A. No.6262 of 2003 is
dismissed with no order as to costs, in terms of signed order placed
on the file. The interim order, if any, stands vacated.

CIVIL APPEAL NO.6263 OF 2003:

List on 11.11.2008

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order in C.A. No.6262/2003 is placed on the file)