

SUPREME COURT OF INDIA

M.Venugopal

Vs.

Dy. Commissioner, Chitradurga district

C.A.Nos.6262 of 2003

(Tarun Chatterjee and V.S. Sirpurkar JJ.)

06.11.2008

ORDER

1. 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 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.