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APHC010028112025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY, THE 3rd DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

SECOND APPEAL NO: 104 OF 2025

Between:

1. ANNASURI KONDA, S/o. Narasimha Murthy, Aged 58 Years, R/o.D.No.1-72, Arjun Nagar, Indrapalem, Kakinada Rural, Kakinada Junior civil Judges Court Limits

...Petitioner

AND

1. GODDI VEERALAKSHMI VEERA RAGHAVA LAKSHMI, W/o. Guru Prakasah, aged 41 Years, House Wife, R/o D.No.1-71, Arjun Nagar, Indrapalem, Kakinada Rural, Kakinda Junior Civil Judges Court Limits.

2. Annasuri Venkata Ramana, S/o Konda, aged about 36 Years, R/o R/o.D.No.1-72, Arjun Nagar, Indrapalem, Kakinada Rural, Kakinada Junior civil Judges Court Limits.

3. Vasamsetti Veeranjaneyulu Anji, S/o Satyanarayana, Aged about 48 Years,R/o D.No.1-49,Arjun Nagar, Indrapalem, Kakinada Rural, Kakinada Junior civil Judges Court Limits.

Counsel for the Petitioner: G VENKATA SUBBA RAJU

Counsel for the Respondents: VENKATESWARA RAO GUDAPATI

The Court made the following order:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

SECOND APPEAL NO: 104 of 2025

JUDGMENT:

Introductory:

1. [i] This Second Appeal is directed against the judgment of the I Additional Civil Judge (Senior Division), Kakinada dated 11.09.2024 passed in A.S.No.88 of 2018, where under the decree and judgment dated 19.02.2018 passed in O.S. No.471 of 2015 by the Principal Junior Civil Judge, Kakinada was confirmed and the appeal was dismissed.

[ii] Appellants are the unsuccessful defendants before the Trial Court and the first Appellate Court.

2. For the sake of convenience, parties will be referred to as the plaintiff and the defendants, as per their ranking before the Trial Court.

3. Suit was filed for grant of permanent injunction restraining the henchmen of the defendants in respect of the plaint schedule properties viz., Item No.1 of the plaint schedule property is house and Item No.2 is 6½ feet passage from item No.1 towards south to join the road on southern side.

4. The core dispute is relating to obstructing the access of plaintiff to the road on the southern side through Item No.2- the road providing access to the plaint schedule Item No.1 property, which is depicted as 'DEGH' in the plaint plan. While referring to the admissions of DW.1 that except the lane shown in DEGH, there is no passes to the plaintiff to reach the main road from their

house and the said DEGH marked lane is in existence since 1993, and that once the plaintiff has plastered the lane about two years back, and observing that there is no alternative way to the plaintiff to reach his house from the main road situated on the southern side, the Trial Court decreed the said suit and the same is confirmed by the first Appellate Court.

5. Heard Sri G.Venkata Subba Raju, learned counsel for the appellants.

6. Now the point that arise for consideration of this Court is,

Whether there are any substantial questions of law involved for admitting the appeal?

7. The first Appellate Court supplementing its own reasons, referring to the evidence on record and also the grounds urged like the plaintiff cannot have an exclusive right and the lane was created by the defendants' predecessors-in-interest etc., answered the point framed for consideration as to sustainability of the judgment of the Trial Court, concurring the judgment of the Trial Court, more particularly with reference to the possession of the plaintiff and the documentary evidence indicating the passage and southern boundary as the 6 ½ feet road way, and dismissed the appeal.

8. The first Appellate Court has addressed all the grounds urged including the judgments relied upon by the appellants and the applicability of the judgments relied, more specifically observing that the scope of the Suit is to consider the possession and enjoyment of the plaintiff in respect of 'DEGH' pathway for ingress and aggress to plaint schedule item No.1 property 'ABCF'.

9. Upon perusal of the judgments passed by the Trial Court and the first Appellate Court, and upon considering the submissions made by the learned counsel for the appellant, as well as the substantial questions of law sought to be projected in the Second Appeal, this Court finds that even the substantial questions of law sought to be canvassed is primarily referring that the lane is a joint lane, and absence of cause of action relating to the obstruction caused to the plaintiff in using the pathway has not been properly appreciated, do not merit consideration, as the averments made in the plaint, referred to in the judgments of the Courts below, particularly with regard to the obstruction created by various means. Therefore, this Court is of the considered view that the alleged obstruction and the nature of the lane are the matters already considered by the Courts below, therefore, there are no substantial questions of law is involved in this Second Appeal. Consequently, the Second Appeal is liable to be dismissed at the admission stage. Point framed is answered accordingly.

10. **In the result**, the Second Appeal is dismissed. There shall be no order as to costs, in the appeal.

As a sequel, miscellaneous petitions, if any, pending in the appeal shall stand closed.

A. HARI HARANADHA SARMA, J

Date: 03.09.2026
Pnr

Whether the order is:

Speaking	-	Reasoned	√
Reportable	-	Non-reportable	√

HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

SA.No.104 of 2025

03.09.2026

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