

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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SECOND APPEAL No.1091 of 2012

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JUDGMENT :

This appeal is filed challenging the Judgment and decree dated 10.12.2009 in A.S.No.06 of 2008 on the file of Senior Civil Judge, Avanigadda, wherein Judgment and decree dated 04.12.2007 in O.S.No.148 of 2002 on the file of Principal Junior Civil Judge, Avanigadda is confirmed. The appellants herein are unsuccessful plaintiffs in both the Courts and one of the appellants i.e., first appellant died during pendency of this appeal and separate application is filed in S.A.M.P.No.883 of 2014 to implead the legal representative of the deceased first appellant.

2. Heard advocate for appellants. It is submitted that both the Courts are not justified in refusing relief of permanent injunction in respect of suit schedule property though the defendant admitted that he has no right in the schedule property.

3. I have perused the judgments of both the Courts. The suit is filed for the relief of permanent injunction and both Courts even from the admission of Pw.2 found that defendant is in possession of the property and plaintiffs are not in possession of the property. Considering the same, both Courts concurrently held that plaintiffs are out of possession.

4. The grounds raised in this appeal showing them as substantial question of law are all in respect of factual aspects and no law is involved in this appeal, leave alone substantial question of law to be determined by this Court in the second appeal.

5. For these reasons, I am of the view that no substantial question of law is involved. Therefore, the appeal is dismissed at the admission stage. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Appeal shall stand dismissed.

S. RAVI KUMAR,J

21st December, 2015

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DATED : 21.12.2015

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