

HONOURABLE SRI JUSTICE S.RAVI KUMAR

SECOND APPEAL No.587 of 2015

Dated 27-11-2015

Between:

Kanakala Gangabhavani.

...Petitioner.

And:

Ajjarapu Syamala and others.

...Respondents.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

SECOND APPEAL No.587 of 2015

JUDGMENT:

This appeal is preferred challenging the judgment dated 15-7-2011 in A.S.No.15 of 2009 on the file of XI Additional District Judge, (F.T.C.) East Godavari Kakinada, whereunder judgment of II Additional Senior Civil Judge, Kakinada in O.S.No.256 of 2007 is confirmed.

Appellant herein is unsuccessful plaintiff in both the courts. Appellant herein filed above referred O.S.No.256 of 2007 seeking declaration of title over the plaint schedule property on the strength of agreement of sale dated 22-6-1981. Both trial court and appellate court on a consideration of oral and documentary evidence held that plaintiff is not entitled for relief of declaration.

According to appellant, the following are the substantial questions of law require consideration of this court.

- a) *Whether the judgment and decree of the courts below can be sustained in the absence of consideration of the oral and documentary evidence adduced by the appellant?*
- b) *Whether the courts below are right in dismissing the suit without framing the necessary issues for trial on the*

basis of the pleadings and without answering the necessary points for consideration?

- c) *Whether the judgment of the courts below can be sustained without framing any issue with regard to entitlement of the right over the suit schedule property by the plaintiff either under Section 53A of the Transfer of Property Act or on the basis of the adverse possession?*

The very relief of plaintiff, for declaration of title basing on an agreement of sale is not sustainable, and both courts rightly refused the relief to the plaintiff. No substantial question of law is involved in this matter and therefore, this Second Appeal is dismissed at admission stage. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI

KUMAR

Dated 27-11-2015.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-

SECOND APPEAL No.587 of 2015

Dated 27-11-2015

Dvs