

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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APPEAL SUIT No.660 OF 1997

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Between:

Kundrapu Narasimha Naidu

.. Appellant

And

Kondadu, calling himself as
Kundrapu Kondadu

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 19.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

APPEAL SUIT No.660 OF 1997

JUDGMENT:

The unsuccessful plaintiff in O.S.No.5 of 1996 on the file of the Subordinate Judge, Yellamanchili, preferred this appeal against the dismissal of the suit filed for declaration that he is the adopted son of late Kundrapu Narasimha @ Narasimham.

The plaintiff filed the said suit only for a limited relief, to declare that he is the adopted son vide Adoption Deed, dated 03.10.1970, whereas Kundrapu Kondadnu contested the matter stating that the plaintiff is not the adopted son and he is the adopted son.

After trial, the suit was dismissed on 21.06.1996.

While the matter stood thus, the said Kundrapu Narasimha and others and the defendant in O.S.No.5 of 1996 filed another suit for partition and other reliefs where Kundrapu Kondadu was declared as adopted son and a preliminary decree was passed in his favour for partition. Aggrieved by the same, an appeal was preferred and thereafter L.P.A., which was reported in **Kundrapu Narasimha Naidu and others v. Kundrapu Kondadu and another**^[1] wherein the finding of the trial Court that Kundrapu Kondadu was the adopted son of Narasimha was confirmed. Therefore, the said judgment between the same parties operates as *res judicata* and the claim of the plaintiff/appellant needs no further adjudication.

Hence, the Appeal Suit is dismissed holding that the claim of the appellant is barred by *res judicata*. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Appeal Suit shall stand closed.

M.SATYANARAYANA MURTHY, J

19.08.2015
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[\[1\]](#) 1993 (1) APLJ 187 (HC)