

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.221 of 2010

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JUDGMENT:

This appeal is preferred challenging judgment and decree dated 27.10.2009 in A.S.No.5 of 2008 on the file of Principal District Judge's Court, Kurnool, whereunder, judgment and decree in O.S.No.859 of 2004 dated 05.11.2007 on the file of Principal Junior Civil Judge, Kurnool, is confirmed.

2. Appellants herein are D.2 & D3 in the above referred O.S.No.859 of 2004. Their contention is that they have purchased plaint schedule property from B. Ramachandrudu through a registered sale deed dated 17.07.1977 and they are bonafide purchasers. Trial Court framed a specific issue under Issue No.3 about the bonafide nature of D.2 & D.3 in purchasing the property from B. Ramachandrudu. Both trial Court and appellate Court have specifically held that recitals in the sale deed are contra to the plea of appellants. According to appellants, B Ramachandrudu sold suit property as Kartha of family for the benefit of joint family but there is no such recital in the document. On the contra, a specific recital is made in the sale deed that B. Ramachandrudu is the only legal heir of Hussainamma who was the original owner of suit schedule property. Considering the evidence of both parties, including the recitals of sale deed, both trial Court and appellate Court concurrently held that appellants have not taken any precaution before purchasing the property including verifying the link documents relating to the suit schedule property. Now the appellants contended that in the absence of recital in the sale deed to the effect that property sold for the benefit of family whether preliminary decree can be passed as a substantial question of law to be determined by this Court. This very ground is contra to the plea of D2 and D3, who are appellants herein, therefore the contention with regard to findings of trial Court and appellate Court on this aspect cannot be entertained.

3. The other question of law raised by appellants is that B.Ramachanduru

as kartha of family has a right to sell the property for the benefit of other legal heirs. But this ground is also quite contra to the findings and material on record. Even in the registered sale deed in favour of D2 and D3, the recital is that B.Ramachandrudu is only legal heir and that there are no other legal heirs to B.Ramachandru, and D2 and D3 without verifying the correctness of this statement, purchased the property, therefore, this cannot be treated as a substantial question of law.

4. On a scrutiny of the material, I am of the view that there is no question of law involved in this Second Appeal, leave alone, substantial question of law to be determined by this Court, as such, appeal is devoid of merits and liable to be dismissed.

5. Accordingly, the Second Appeal is dismissed at admission stage. No costs. Miscellaneous Petitions, if any pending, in this appeal, shall stand closed.

S. RAVI KUMAR, J

Date: 12-11-2015.

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