

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.752 of 2015

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JUDGMENT:

This appeal is preferred challenging judgment and decree dated 20.08.2015 in A.S.No. 47 of 2007 on the file of I Additional District & Sessions Judge, Medak at Sangareddy, whereunder, judgment and decree in O.S.No.89 of 2003 and 105 of 2003 dated 08.10.2007 on the file of Senior Civil Judge, Medak at Sangareddy, is confirmed.

2. Appellants herein are unsuccessful defendants in both the Courts. The suit is filed enforcing agreement of sale executed by late Somu Balakistaiah in favour of plaintiff. One agreement is in respect of house site i.e., Plot No.27 admeasuring 244.44 sq.yds in Zaheerabad town and other agreement in respect of Agricultural land to an extent of Ac.3.19 guntas at Ranjole village, Jaheerabad Mandal. Both trial Court and appellate Court, on a consideration of oral and documentary evidence, accepted the plea of plaintiff and granted the relief of specific performance in respect of both properties.

3. Now learned counsel for appellants submitted that plea of defendants is that plaintiff obtained some blank documents from defendant in connection of chit transactions and those documents were pressed into service as agreements, but both Courts have not accepted the same and decreed the suits. It is further submitted that the property (agricultural land) originally belonged to wife of Balakistaiah, though a specific plea was taken in the written statement, that aspect was not considered by both trial Court and appellate Court, therefore the findings of both Courts are perverse and the second appeal would lie against the judgment of concurrent findings.

4. On the other hand learned advocate for plaintiff submitted that no documents are produced on behalf of defendants in support of their plea, that property originally belonged to wife of executant of agreement and both Courts have rightly decreed the suit and that there are no rounds to admit Second

Appeal against the concurrent findings.

5. I have perused the material papers including judgment of both trial Court and appellate Court. Both suits were tried jointly and common evidence was recorded and both appeals were also tried jointly and common judgment is passed. The objection now raised on behalf of defendants was considered by both trial court and appellate court and negatived their plea on appreciation of both oral and documentary evidence. Though wife contended that she is owner of the property, defendants failed to place any evidence including the document standing in the name of wife, before trial court or the appellate Court. As rightly contended by advocate for plaintiff there is no question of law involved and the grounds raised are on factual aspects.

6. 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.

7. 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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