

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

SECOND APPEAL NO.689 of 2015

DATED:11-9-2015

Between:

M.A.R. Mujahid ... Appellant

And

Valluri Pandu Ranga Rao

and others ... Respondents

... Respondents

COUNSEL FOR THE APPELLANT: Mrs. Harija Akkineni, for

Mr. M. Subba Reddy

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

JUDGMENT:

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This second appeal arises out of judgment and decree dt.1.5.2014 in A.S. No.238 of 2012 on the file of I Additional District Judge, Guntur, confirming the judgment and decree dt.30.11.2011 in O.S. No.1246 of 2007 on the file of III Additional Junior Civil Judge, Guntur.

I have heard the learned counsel for the appellant and perused the record.

Originally respondent No.1 - plaintiff filed the above mentioned suit for eviction of the appellant - defendant. During the pendency of the suit, the original plaintiff died and his legal representatives were brought on record as plaintiff Nos.2 and 3. The appellant, who has admitted the tenancy has, however, set up the plea of an agreement of sale allegedly executed by the original plaintiff. The appellant has not even pleaded part performance based on Section 53A of the Transfer of Property Act, 1882, On appreciation of the evidence on record, both the Courts below have concurrently held that mere plea of agreement of sale without obtaining decree for specific performance of agreement of sale would not confer any right on the appellant.

I have carefully considered the judgments of both the Courts below. This Court is of the opinion that the Courts below have not committed any error of law which gives rise to substantial question of law. Therefore, I do not find any merit in this second appeal and the same is accordingly dismissed.

As a sequel to dismissal of the second appeal, S.A.M.P. (SR) No.17279 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

11-9-2015

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