

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.677 of 2015

JUDGMENT:

Heard advocate for appellant.

2. This second appeal is preferred challenging the judgment dated 01.05.2015 in A.S.No.174 of 2012 on the file of the Judge, Family Court-cum-XII Additional District Judge, Guntur, whereunder the judgment and decree dated 15.11.2011 in O.S.No.301 of 2010 on the file of the II Additional Junior Civil Judge, Guntur, is confirmed.

3. The appellant herein is unsuccessful plaintiff, both in the trial Court and appellate Court. Plaintiff filed O.S.No.301 of 2010 for the relief of permanent injunction in respect of property shown as 'ABCDEF', which was purchased under sale deed dated 21.10.1973. The trial Court on a consideration of oral and documentary evidence, dismissed the suit holding that plaintiff is not entitled for injunction and aggrieved by the same, appeal is preferred to the District Court and Judge, Family Court-cum-XII Additional District Judge, Guntur, on a reappraisal of entire material on record, confirmed the findings of the trial Court and dismissed the appeal.

4. Now, the substantial question of law raised in this second appeal is that both the Courts have failed to consider the easementary right of plaintiff in the passage, therefore second appeal has to be admitted to consider that aspect.

5. I have perused the material papers including the judgments of the trial Court and appellate Court. It appears no such plea of easementary right is taken in the plaint. This aspect is not disputed by appellant advocate. Considering the same, I am of the view that no question of law involved in this matter, leave alone substantial question of law.

6. For these reasons, second appeal is dismissed at the admission stage as no substantial question of law is involved.

7. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

27th November 2015.

mar