

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

SECOND APPEAL No.750 of 2015

Date:13.11.2015

Between:

Chadalawada Ashoka Vardhana Rao,

S/o Late Venkateswarlu

..... Appellant

And

Chadalawada Prasad,

S/o Late Venkateswarlu and four others.

.....Respondents

Counsel for the Appellant: Mr. M.Ram Mohan

Counsel for the Respondents: None appeared

The Court made the following:

JUDGMENT:

This Second Appeal arises out of judgment and decree, dated 28.4.2015, in A.S.No.259 of 2012 on the file of learned XI Additional District and Sessions Judge, Tenali, whereby he has confirmed judgment and decree, dated 17.8.2012, in O.S.No.304 of 2010 on the file of the learned Additional Senior Civil Judge, Tenali.

Respondent No.1 filed the above-mentioned suit for partition of the suit schedule properties and separate possession of his share. Common written statement was filed by the petitioner-

defendant No.2 and also respondent No.2-defendant No.1.

The main defence of the defendants was that their deceased father has executed Ex.B-1-unregistered Will, dated 16.4.2009, bequeathing item Nos.2 and 3 of the suit schedule properties to defendant No.2. Issue No.1 framed by the trial Court was whether the Will, dated 16.4.2009, is true, valid and executed by the father of the parties. On appreciation of the oral and documentary evidence, the trial Court has held the said issue against the defendants and in favour of the plaintiff. The lower appellate Court, on re-appreciation of the entire evidence, confirmed the said finding of the trial Court.

As the only defence set up by the defendants was the purported Will, which was disbelieved by both the Courts below, this Court is of the opinion that the concurrent findings of fact recorded by the Courts below cannot be interfered with in the Second Appeal in the absence of any substantial question of law arising in the case. Hence, interference with the judgments of the Courts below is not warranted.

For the above-mentioned reasons, the Second Appeal is dismissed.

JUSTICE C.V.NAGARJUNA REDDY

13th November 2015

DR