

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.643 of 2010

JUDGMENT :

This appeal is filed challenging Judgment and decree in A.S.No.457 of 2005 dated 22.03.2010 on the file of VII Additional District Judge, (Fast Track Court), Vijayawada, wherein the judgment in O.S.No.776 of 2001 dated 15.04.2004 on the file of Principal Junior Civil Judge, Vijayawada, is confirmed.

2. The appellant herein is unsuccessful appellant/defendant in the Courts below and suit is filed for permanent injunction. Both the Courts held that plaintiff is in possession of plaint schedule property and considering the same, the suit is decreed. According to the appellant the suit for mere injunction without seeking the relief of declaration is not maintainable. This objection was raised before the Courts below and the same is negated on appreciation of material on record. There is no violation of any law.

3. As seen from the contentions and rival contentions of both parties, from the judgment of both the Courts, there is no question of law involved in this Appeal, leave alone substantial question of law. However, as the Advocate for appellant represented that defendant has already filed suit for declaration, the title aspects can be gone into in that suit. For these reasons, the Appeal is dismissed at the admission stage. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Appeal shall stand dismissed.

S. RAVI KUMAR,J

21st December, 2015
Rds

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DATED : 21.12.2015

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