

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

-

SECOND APPEAL No.642 of 2010

JUDGMENT :

This appeal is filed challenging the Judgment and decree in A.S.No.456 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.777 of 2001 dated 15.04.2001 on the file of Principal Junior Civil Judge, Vijayawada, is confirmed.

2. The appellant herein is unsuccessful defendant in both 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 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 judgments of both 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 the 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

HON'BLE SRI JUSTICE S. RAVI KUMAR

-

SECOND APPEAL No.642 OF 2010

-

DATED : 21.12.2015

Rds