

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.979 of 2011

JUDGMENT:

This second appeal is preferred challenging judgment and decree in A.S.No.53 of 2000 dated 05.09.2007 on the file of

Senior Civil Judge, Sompeta, whereunder judgment and decree in O.S.No.29 of 1996 dated 21.08.2000 on the file of Junior Civil Judge, Tekkali, is confirmed.

2. Appellants herein are the unsuccessful defendants in both the Courts. Respondent/plaintiff filed the above O.S.No.29 of 1996 seeking relief of permanent injunction and the trial Court on a consideration of oral and documentary evidence decreed the suit and granted permanent injunction. Aggrieved by the same, appellants herein preferred appeal and the appellate Court on a reappraisal of the oral and documentary evidence dismissed the appeal confirming the findings of the trial Court.

3. Heard arguments.

4. It is contended that the property in which plaintiff is running a Saloon belongs to the Temple, which is in Sy.No.344 and that plaintiff is an encroacher and an injunction cannot be granted against true owners. It is submitted that same the substantial question of law involved in the present appeal. As seen from the material, the finding of the trial Court is that the Saloon is located in

Sy.No.343 in a road margin and Sy.No.344 is its adjacent Survey number. Even according to the findings of the trial Court, the plaintiff cannot be forcibly evicted and he may only be evicted under due process of law and as defendants are interfering, injunction was granted. On a scrutiny of the material, I do not find any legal point involved in this appeal to admit second appeal. Therefore, I am of the view that no substantial question of law is involved to admit the second appeal against the concurrent findings of the Courts below.

5. Accordingly, second appeal is dismissed at admission stage.

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

S. RAVI KUMAR, J

6th January 2016.

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