

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.223 of 2015

JUDGMENT:

This second appeal is preferred challenging judgment and decree in A.S.No.2 of 2013 dated 19.01.2015 on the file of Additional Senior Civil Judge, Gajuwaka, whereunder judgment and decree in O.S.No.123 of 2007 dated 04.03.2013 on the file of Junior Civil Judge, Gajuwaka, is confirmed.

2. Appellant herein is the unsuccessful defendant in both the Courts. O.S.No.123 of 2007 is filed by respondents herein seeking declaration that they have title over the suit schedule property and consequential relief of recovery of possession of the suit schedule property after evicting defendant. Both the plaintiffs and defendant contended that they are lessees under Inamdar in respect of schedule property, both trial Court and appellate Court considering the oral and documentary evidence produced on behalf of plaintiffs disbelieved the version of defendant and decreed the suit. Now, aggrieved by the concurrent findings of the Courts below, the present second appeal is preferred.

3. Heard arguments.

4. According to advocate for appellant, the Courts below are not right in decreeing the suit when the suit schedule land is an Inam land and Inamdar leased out the same to the mother of appellant/defendant. But, as seen

from the material, there is no evidence in support of the plea of defendant that the suit schedule property was cultivated by the mother of appellant as a tenant. On the other hand, the evidence produced on behalf of plaintiffs clearly established and supported their claim over the suit schedule property and considering the same both the Courts negated the contention of defendant. On a scrutiny of the entire material, I do not find any question of law involved in this second appeal to be determined by this Court leave alone substantial question of law.

5. For these reasons, second appeal is dismissed at admission stage.

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

S. RAVI KUMAR, J

5th January 2016.

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