

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

SECOND APPEAL NO.647 OF 2016

DATED:19-08-2016

Between:

Doddapureddy Satya Rao ... Appellant

And

Gatti Udalayya
and others ... Respondents

COUNSEL FOR THE APPELLANT: Ms. S.V. Buvaneswari

COUNSEL FOR RESPONDENT NOS.1 and 2: Dr. P.B. Vijay Kumar
COUNSEL FOR RESPONDENT NOS.3 to 5 & 7: -

THE COURT MADE THE FOLLOWING:

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JUDGMENT:

This second appeal arises out of common judgment dt.29.6.2006 insofar as it relates to A.S. No.81 of 2000 on the file of the IX Additional District and Sessions Judge (Fast Track Court), Visakhapatnam.

While the appellant has filed O.S. No.120 of 1997 for declaration of title and recovery of possession in respect of 5.55 Sq.yards, respondent Nos.3 to 7 filed O.S. No.931 of 1997 for a similar relief in respect of 14 Sq. yards., and respondent Nos.1 and 2 filed O.S. No.1650 of 1997 for 97 Sq. yards. The suit schedule properties in O.S. Nos.931 and 1650 of 1997 include the suit schedule property in O.S. No.120 of 1997. By a common judgment dt.10.3.2000 the trial Court dismissed O.S. No.120 of 1997 and decreed O.S. Nos.931 and 1650 of 1997. Feeling aggrieved by the said decree, the appellant filed A.S. Nos.81, 82 and 83 of 2000. By a common judgment dt.29.6.2006, the lower appellate Court has dismissed all the appeals. While the appellant has filed the present appeal to the extent it relates to A.S. No.81 of 2000, he has failed to file second appeals against A.S. Nos.82 and 83 of 2000. Though a common judgment was rendered in three separate appeal suits, in the same way as the appellant filed the three appeal suits he was bound to file three separate second appeals against the common judgment in the appeal suits referred to above. As the appellant failed to file such appeals, the findings in the common judgment to the extent they relate to A.S. Nos.82 and 83 of 2000 remained unchallenged. Therefore, even if the appellant succeeds in the present second appeal, as he failed to question the decrees in A.S. Nos.82 and 83 of 2000, he will not be entitled to any relief.

In this view of the matter, the second appeal is dismissed.

C.V. NAGARJUNA REDDY, J

19-08-2016

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