

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.1544 of 2010

JUDGMENT:

This appeal is preferred challenging judgment and decree in A.S.No.45 of 2001 on the file of VI Additional District & Sessions Judge (FTC), Krishna, Machilipatnam dated 12.09.2005, whereunder, judgment and decree in O.S.No.121 of 1994 on the file of Senior Civil Judge, Machilipatnam dated 28.02.2001 is confirmed.

2. Appellant herein filed the above referred O.S.No.121 of 1994 initially for the relief of permanent injunction and subsequently amended the plaint for the relief of declaration also.

Trial Court on a consideration of oral and documentary evidence produced on behalf of both parties, partly decreed the suit and granted relief of permanent injunction but not granted the relief of declaration. Aggrieved by the same, plaintiff preferred appeal to the District Court and the VI Additional District & Sessions Judge (FTC), Krishna, Machilipatnam on a reappraisal of entire oral and documentary evidence, confirmed the findings of trial court. Aggrieved by the same, plaintiff preferred the present Second Appeal.

3. According to appellant, both the Courts having decreed the suit for relief of permanent injunction erred in not granting relief of declaration and the same is the substantial question of law for consideration of this Court.

4. I have perused the material papers including judgments of both trial Court and first appellate court. Both the Courts on a consideration of facts and evidence held that appellant herein is

not entitled for the relief of declaration of title by adverse position and refused the same. No substantial question of law is involved in this appeal as the findings of both Courts for the relief of declaration were on facts and evidence.

5. Considering the same, I am of the view that no law is involved much less substantial question of law to consider the Second appeal for admission, as such, appeal is devoid of merits.

6. For these reasons, this Second Appeal is dismissed at admission stage. No costs. Miscellaneous petitions, if any pending, in this Appeal shall stand closed.

S. RAVI KUMAR, J

Date: 18-01-2016.

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