

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

SECOND APPEAL NOS.550 AND 694 OF 2016

DATED:18-11-2016

S.A. No.550 of 2016

Between:

Yeddu Desamma (Died)
and others

... Appellants

And

Gudivada Yellajirao
and others

... Respondents

S.A. No.694 of 2016

Between:

Yeddu Narayana
and another

... Appellants

And

Gudivada Yerrajirao
and others

... Respondents

COUNSEL FOR THE APPELLANTS: Mr. Gorle Gopalakrishna for
Mr. A. Krishnam Raju

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

COMMON JUDGMENT:

Second Appeal No.550 of 2016 is filed against the common judgment dt.19.1.2015 insofar as it relates to A.S. No.186 of 2004 on the file of the X Additional District and Sessions Judge, at Anakapallie is concerned and Second Appeal No.694 of 2016 is filed against the judgment to the extent it relates to A.S. No.185 of 2004 on the file of the same Court, as referred above.

Respondent No.1 has filed O.S. No.117 of 1984 before the Additional Junior Civil Judge, Anakapalle, for permanent injunction restraining respondent No.2 and four others from interfering with his peaceful possession and enjoyment of the suit schedule property. In respect of the same property, appellant No.1 in S.A. No.550 of 2016 and two others filed O.S. No.141 of 1985 before the same Court against respondent No.1 and another for declaration of their title to the suit schedule property and for consequential permanent injunction restraining the defendants therein from interfering with the possession. By common judgment dt.23.3.1999 the trial Court decreed O.S. No.117 of 1984 and dismissed O.S. No.141 of 1985. Feeling aggrieved by this judgment, the appellants have filed A.S. Nos.186 and 185 of 2004 respectively. By common judgment dt.19.1.2015, the lower appellate Court has dismissed both the said appeals. Assailing the aforesaid common judgment, the unsuccessful appellants before the lower appellate Court have filed these second appeals.

At the hearing, learned counsel for the appellants has not disputed that the judgments of the Courts below are based on appreciation of evidence on record and concurrent findings of fact. Therefore, no substantial question of law arises for consideration by this Court for

entertaining these second appeals in exercise of its jurisdiction under Section 100 of the Code of Civil Procedure, 1908.

Hence, I do not find any merit in these second appeals and the same are accordingly dismissed.

As a sequel to dismissal of the second appeals, S.A.M.P. No.1365 of 2016 in S.A. No.550 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-11-2016

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