

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

SECOND APPEAL NO.185 OF 2016

DATED:10-06-2016

Between:

Mamidi Eswaramma ... Appellant

And

Yellapu Maheswararao ... Respondent

COUNSEL FOR THE APPELLANT: Dr. P.B. Vijaya Kumar

COUNSEL FOR THE RESPONDENT: Mr. T.D. Phani Kumar

THE COURT MADE THE FOLLOWING:

JUDGMENT:

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This second appeal arises out of concurrent findings of the Courts below. The admitted facts of the case are that the mother of the appellant was allotted the suit schedule property under a rehabilitation scheme. She has sold the same for a valuable consideration under a registered sale deed in favour of the respondent. As the appellant was interfering with the possession and occupation of the respondent, the latter has filed O.S. No.494 of 2005 on the file of the Junior Civil Judge, Gajuwaka, for permanent injunction. The trial Court framed the following issues.

1. *“Whether the plaintiff is entitled for permanent injunction as prayed for?”*
2. *Whether the defendant has got any right in the schedule property?*
3. *To what relief?”*

After full-fledged trial, the trial Court decreed the suit in favour of the respondent. The appellate court confirmed the judgment and decree of the trial Court, vide its judgment dt.31.3.2010 in A.S. No.4 of 2009.

The main plea raised in the suit is that as the property was allotted to her mother under a rehabilitation scheme, she had no right to alienate the same. However, both the courts below have found that the allotment proceedings did not contain any prohibition on alienation of the property. This finding falls under the realm of disputed question of fact. As both the Courts below have rendered concurrent findings on this fact in favour of the respondent, no substantial question of law arises in this second appeal.

Hence, the second appeal is dismissed.

As a sequel to dismissal of the second appeal, S.A.M.P. Nos.612 of 2013, 491 and 492 of 2016 shall stand dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

10-06-2016

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