

THE HON'BLE SRI JUSTICE RAJA ELANGO

SECOND APPEAL No.346 OF 2016

JUDGMENT:

The unsuccessful plaintiff in both the Courts below is the appellant. Her suit, being O.S.No.1429 of 2007, for declaration of plaintiff's lawful possession over the plaint plan 'ABEF' marked property and for consequential permanent injunction restraining the defendant from interfering with possession of the plaintiff over the plaint schedule property was dismissed by order, dated 11.04.2012, by the Court of the II Additional Junior Civil Judge, Kakinada. Aggrieved over the same, she has filed an appeal and that the said appeal being A.S.No.8 of 2013 was also dismissed the Court of the II Additional Senior Civil Judge, Kakinada. Hence, this second appeal. The parties in this appeal are referred to as they are arrayed in the suit.

Heard and perused the material on record.

The contention of the plaintiff that the plaintiff and the defendant jointed executed a Khararunama regarding the enjoyment of the lane between the houses of plaintiff and the defendant was disbelieved by the trial Court, which is also confirmed by the appellate Court. Hence, this Court is not inclined to interfere with the concurrent findings of the Courts below based on the evidence adduced on both sides. Further, there is no substantial question of law involved in the present Second Appeal.

The Second Appeal is accordingly dismissed. Miscellaneous petitions, if any, pending in the Second Appeal shall stand cancelled.

JUSTICE RAJA ELANGO

03.08.2016
Pln