

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

SECOND APPEAL NO.14 OF 2017

DATED:03-02-2017

Between:

Pyla Appala Naidu

... Appellant

And

Singampalli Chinnayya
and others

... Respondents

COUNSEL FOR THE APPELLANT: Mr. M. Radha Krishna

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

JUDGMENT:

This second appeal arises out of concurrent findings of fact in respect of the claim of respondent No.1 for perpetual injunction against the appellant. The claim of respondent No.1 is based on Ex.A.1 dt.27.6.1984, a registered sale deed, and also Ex.A.4, dt.15.12.1973, an unregistered sale deed. In support of his claim, respondent No.1 has examined himself as P.W.1 and also examined P.Ws.2 to 4. He has got Exs.A.1 to A.4 marked on his side. The appellant examined himself as D.W.1 but has not adduced any documentary evidence. Having regard to the respective pleadings of the parties, the trial Court framed the following issues.

- i) *“Whether the plaintiff is entitled for permanent injunction as prayed for?”*
- ii) *Whether the suit is barred by limitation?*
- iii) *To what relief?”*

The trial Court based on Exs.A.1 and A.4 held that respondent No.1 has established *prima facie* title and also his possession. This judgment was confirmed by the lower appellate Court in A.S. No.308 of 2004 (old A.S. No.18 of 1997).

The only point urged by Mr. M. Radhakrishna, learned counsel for the appellant, is that when the title of the plaintiff was disputed, the suit for permanent injunction simpliciter is not maintainable.

In the instant case, though the appellant has disputed the title, based on Ex.A.1 - registered sale deed respondent No.1 has proved is *prima facie* title, based on which both the Courts below have granted injunction. The appellant has failed to raise any substantial question of law requiring interference of this Court in exercise of its jurisdiction under Section 100 of the Code of Civil Procedure, 1908.

The Second Appeal is accordingly dismissed.

C.V. NAGARJUNA REDDY, J

03-02-2017

bmr

