

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

SECOND APPEAL No. 987 OF 2017

DATED 01ST SEPTEMBER, 2017

Between:

Molleti Kalyani and others ... Appellants

AND

Visakhapatnam Municipal Corporation,
Rep. by its Commissioner,
Asilmetta, Visakhapatnam,
Visakhapatnam District ... Respondent

Counsel for the appellants : Sri M.Ramachandra Rao

Counsel for the respondent : --



THE COURT MADE THE FOLLOWING

JUDGMENT:

The concurrent findings recorded by the trial Court and the appellate Court while dismissing O.S.No. 1488 of 2002 and A.S.No. 346 of 2008 respectively have been called in question in this second appeal.

2. Admittedly, the appellants-plaintiffs did not seek declaration of their title in respect of the property on which compound wall raised by them was demolished by the respondent-municipal corporation. The appellants have also not filed any document showing their ownership over the said property. In the light of the above facts, both the Courts below have declined to grant relief to the appellants to declare that demolition of compound wall by the respondent was illegal. As both the Courts below have held against the appellants on appreciation of evidence on record, no substantial question of law has arisen for consideration in this second appeal. Therefore, the second appeal is dismissed, however, with liberty to the appellants to institute a separate suit for declaration of their title over the disputed property.

3. Subject to the liberty given to the appellants as above, the second appeal is dismissed.

4. As a sequel to dismissal of the Second Appeal, S.A.M.P.No. 1983 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 01-09-2017.

JSK