

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

SECOND APPEAL No.704 of 2016

JUDGMENT:

This Second Appeal is arising out of the decree and judgment, dated 02.03.2016 passed in A.S.No.18 of 2015 on the file of the Principal District Judge, Vizianagaram.

Heard Sri A.Jagannadha Rao, learned counsel for the appellant and Sri Gudapati Venkateswararao, learned counsel for the respondent.

Learned counsel for the appellant submits that the Courts below ought to have seen that the appellant and the respondent have constituted undivided Hindu joint family and after the death of their father, the appellant has been managing the family affairs as kartha of the joint family. He further submits that the appellant has borrowed some amounts from the third parties to meet the expenditure for the treatment of respondent.

Learned counsel for the appellant contends that both the Courts below did not consider the amount spent by the appellant for the joint family and did consider the evidence of DWs.1 to 3.

Learned counsel for the respondent contends that the appellate Court has considered the evidence of DWs.1 to 3 and came to the conclusion that there is no proof of debts incurred by the joint family and therefore, decreed the suit.

It is obvious that there was no material placed by the appellant before the Courts below to prove that he borrowed the amounts for the necessities of the joint family.

Therefore, there is no question of law involved in this second appeal for consideration and the Second Appeal is dismissed at the stage of admission. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDISEVA SHYAM PRASAD,J

Date : 17.02.2017
ssp

