

HON'BLE SRI JUSTICE S.V. BHATT

S.A. No.437 OF 2018

JUDGMENT:

Heard Ms.Nimmagadda Revathi for appellants.

The defendants in O.S. No.203 of 2010 in the Court of II Additional Junior Civil Judge, Karimnagar, are the appellants in this Second Appeal. The respondent herein/plaintiff filed the suit for preliminary decree of partition and separate possession of ½ share in the suit schedule property and the suit was decreed on 06.07.2015. Aggrieved by the judgment and decree dated 06.07.2015, the defendants filed A.S. No.66 of 2015 in the Court of Principal District Judge, Karimnagar and the appeal suit was dismissed on 20.12.2017 confirming the judgment and decree of the trial Court. Hence the Second Appeal.

The plaintiff was examined as PW.1 and Exs.A1 to A7 were marked. Defendant No.2 was examined as DW.1 and no documents were marked.

The trial Court found that defendant No.2 executed gift deed in favour of plaintiff's husband who was minor then and on his behalf, his mother-defendant No.1 accepted the gift and possession was delivered. After attaining majority, the subject matter of the gift was mutated in revenue records in the name of husband of plaintiff and possession was delivered. Since the husband of plaintiff died, the trial Court concluded that the plaintiff is entitled to ½ share in the suit schedule property.

The defendants challenged the judgment and decree of trial Court before the appellate Court. The appellate Court after going

through the material available on record dismissed the appeal confirming the findings recorded by the trial Court.

After perusing the record, this Court is of the view that the findings recorded by the Courts below do not warrant interference by this Court. Therefore, there is no question of law much less substantial question of law, arises for consideration in this Second Appeal. The Second Appeal fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:22.06.2018
Sp

S.V.BHATT,J

