

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Second Appeal No.677 of 2018

Date: 20.09.2018

Between:

Smt.Palla Appayamma

.. Appellant

and

Sri Nalla Srikrishna

.. Respondent

Counsel for the Appellant :

Mr.Ravi Cheemalapati

The Court made the following:



Judgment:

The unsuccessful defendant in OS.No.424 of 2013, filed by the respondent/plaintiff for recovery of money on the file of the Principal Junior Civil Judge, Visakhapatnam, filed this Second Appeal against Judgment, dated 09-01-2018, in AS.No.174 of 2015, whereby the II Additional District Judge, Visakhapatnam, has reversed Judgment, dated 27.08.2015, passed in the aforesaid suit and decreed the same.

Shorn of unnecessary details, the trial Court has framed the following issues for trial:

- “1. Whether the plaintiff established that the defendant borrowed amount and executed suit pronote ?
2. Whether suit pronote is forged ?
3. Whether plaintiffs entitled to recover suit amount as prayed for ?
4. To what relief ?”

In support of his plea, the plaintiff has examined himself as PW.1 and also examined PWs.2 and 3. He has also got Exs.A.1 to A.3 marked. On behalf of the appellant/defendant, she examined herself as DW.1 and also examined DW.2. The trial Court has got the signature of PW.2 along with license number in Ex.A.1 marked as Ex.C.1.

On appreciation of the oral and documentary evidence, the trial Court has dismissed the suit. However, on re-appreciation of the evidence on record, the lower appellate Court has allowed the appeal and decreed the suit.

The appellant has denied her thumb impression on the suit promissory note and at her instance, the same was sent for an expert's opinion, who gave his opinion in favour of the respondent/plaintiff and against the appellant. The lower appellate Court has also relied upon the evidence of PW.2- scribe and PW.3- attester, who categorically spoke about the execution of the suit pronote by the respondent. Relying upon the evidence as discussed above, the lower appellate Court has reversed the judgment of the trial Court.

A perusal of the judgment of the lower appellate Court shows that it has given sound and cogent reasons for decreeing the suit. All the issues decided by the lower appellate Court fall in the realm of re-appreciation of evidence. It is trite that in a Second Appeal, findings, based on appreciation of evidence, are not liable to be interfered with. As no substantial question of law arises for consideration in this Second Appeal, the same is dismissed.

As a sequel to dismissal of the Second Appeal, IA.No.1 of 2018, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 20th September, 2018
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