

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

Second Appeal No.582 of 2018

Date: 14.09.2018

Between:

Shaik Yukub and another

.. Appellants

and

Shaik Silar Saheb and another

.. Respondents

Counsel for the Appellants :

Mr.K.Subrahmanyam

The Court made the following:



Judgment:

The concurrent findings of fact recorded by the Courts below in Original Suit No.194 of 2004 as well as in Appeal Suit No.37 of 2011 regarding the non-genuineness of Ex.A.5- unregistered sale deed, dated 16-07-1927, are under challenge in this Second Appeal.

The trial Court has framed the following issues:

- “1. Whether the plaintiffs are entitled for declaration of the right, title of the plaintiffs over the plaint schedule site shown as “B.C.M.N.” in the plaint plan as prayed for ?
2. Whether the plaintiffs are entitled for delivery of the vacant possession as prayed for ?
3. Whether the plaintiffs are entitled for future profits as prayed for ?
4. To what relief ?”

On appreciation of the oral and documentary evidence, the trial Court felt that Ex.A.5 contained interpolations and that therefore, it is not a genuine document. The trial Court also held that no tangible evidence was adduced in proof of the plea of the appellants that respondent Nos.1 and 2/defendants were given permissive possession of GHIJ portion shown in the plaint plan. These findings were confirmed in AS.No.37 of 2011 by the learned Senior Civil Judge at Chodavaram.

As the findings recorded by both the Courts below fall in the realm of disputed questions of fact, which were adjudicated based on appreciation of the evidence on record, no substantial question of law arises in this Second Appeal.

Accordingly, the Second Appeal is dismissed.

(C.V.Nagarjuna Reddy, J)

Dt: 14th September, 2018
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