

HONOURABLE SRI JUSTICE S.RAVI KUMAR

S.A. No.967 OF 2013

Dated 22-1-2016

Between:

Devarkonda Shankara Murthy and another.

...Petitioners.

And:

Vemula Rajamallu.

...Respondent.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

S.A. No.967 OF 2013

JUDGMENT:

This appeal is preferred challenging judgment and decree dated 17-9-2013 in O.S.No.2 of 2013 on the file of Senior Civil Judge, Huzurabad, whereunder judgment and decree dated 10-12-2012 in O.S.No.15 of 2006 on the file of Principal Junior Civil Judge, Huzurabad, is confirmed.

Appellants herein are defendants in O.S.No.15 of 2006. Respondent herein filed above suit for recovery of Rs.1,00,000/- with interest and trial court on a consideration of oral and documentary evidence decreed the suit and aggrieved by the same, appellants herein preferred appeals before the appellate court i.e., Senior Civil Judge, Huzurabad and the Senior Civil Judge, Huzurabad on a reappraisal of entire evidence, confirmed the findings of the trial court and dismissed the appeal. Aggrieved by the same, present Second Appeal is preferred.

Appellants contended that the following are the substantial questions of law.

1) *Whether the judgment of the lower appellate court is valid when the court did not properly framed the points for consideration and did not record the findings applying its mind independently?.*

2) Whether the lower appellate court is right in deciding the appeal, pending the question of admissibility of the suit document, pending before the Hon'ble High Court.

The main contention of the appellants is with regard to admissibility of suit document.

Trial court after considering the material on record held that the suit document is true, valid and binding on the defendants.

As seen from the record, no oral evidence and no documentary evidence is adduced on behalf of defendants and the evidence produced on behalf of plaintiff, both oral and documentary remained unchallenged and unrebutted. Both courts on facts discarded the contention of the defendants with regard to admissibility of the suit document. The above referred grounds urged by appellant are in respect of factual aspects.

There is no question of law involved in this matter to be considered in a second appeal leave alone substantial question of law.

For these reasons, I am of the view that there are no grounds to admit the Second Appeal.

Accordingly, this Second Appeal is dismissed at admission stage. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI

KUMAR

Dated 22-1-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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