



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3397]

**MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

SECOND APPEAL NO: 343/2025

Between:

Raja Venkatachalam and Others

...APPELLANT(S)

AND

Kandula Usha and Others

...RESPONDENT(S)

Counsel for the Appellant(S):

1. GRANDHI PRIYANKA

Counsel for the Respondent(S):

1. P S P SURESH KUMAR

The Court made the following:

HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO

SECOND APPEAL No.343 of 2025

JUDGMENT:

This second appeal is filed aggrieved against the Judgment and decree dated 03.01.2025, in A.S.No.27 of 2023, on the file of the III Additional District Judge, Nellore, confirming the Judgment and decree dated 06.02.2023, in O.S.No.09 of 2019, on the file of the Principal Senior Civil Judge, Nellore.

2. The appellants herein are the defendants and the respondent No.1 herein is the plaintiff in O.S.No.09 of 2019 on the file of the Principal Senior Civil Judge, Nellore.

3. The plaintiff initiated action in O.S.No.09 of 2019 on the file of the Principal Senior Civil Judge, Nellore, with a prayer for declaration of her title over the plaint schedule property for delivery of possession and also for declaration that the documents executed by the defendant Nos.1 to 4 as null and void and sought for mandatory injunction for removal of the constructions raised by the defendants in the suit schedule property and also for permanent injunction restraining the defendant Nos.1 and 2 and their men from interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property after handing over vacant possession to the plaintiff.

4. The learned Principal Senior Civil Judge, Nellore, decreed the suit with costs. Felt aggrieved of the same, the unsuccessful defendants in the above said suit filed the aforesaid appeal before the first appellate Court. The

learned III Additional District Judge, Nellore, dismissed the first appeal by confirming the judgment and decree passed by the trial Court. Aggrieved thereby, the unsuccessful defendants/appellants approached this Court by way of second appeal.

5. For the sake of convenience, both parties in the second appeal will be referred to as they are arrayed in the original suit.

6. The case of the plaintiff, in brief, as set out in the plaint averments in O.S.No.09 of 2019, is as follows:

The plaintiff is the absolute owner of the plaint schedule property and she purchased the same from the legal heirs of Epuru Sulochanamma for a valuable sale consideration of Rs.1,80,000/- on 11.01.1996, under a registered sale deed and since then she has been in possession and enjoyment of the same. The plaintiff pleaded that originally the plaint schedule property along with other properties No.1941 and other adjacent survey numbers belonged to one Thikkavarapu family members and the father of the defendant No.3 by name Thikkavarapu Pattabhirami Reddy. The plaintiff further pleaded Thikkavarapu Rami Reddy and his two sons Thikkavarapu Pattabhirami Reddy and Siva Kumar Reddy partitioned their ancestral properties under a partition deed dated 20.08.1944, and the plaint schedule property and other several properties devolved on the father of the defendant No.3 by name T.Pattabhirami Reddy. The plaintiff further pleaded that, thereafter the father of the defendant No.3 laid plots in different survey

numbers including S.No.1941 and obtained approved lay out from the Panchayat Nellore Bit I Village. The father of the defendant No.3 gifted some properties in favour of his wife, Smt. Snehalatha Reddy on 11.12.1974, and registered the same. Thereafter, the said Snehalatha Reddy died intestate on 20.01.1977, and the plaint schedule property along with other several properties under the gift deed reverted to her husband and children. The plaintiff further pleaded that, subsequently, on 28.02.1978, the defendant No.3, his sister Nandana executed a Registered General Power of Attorney in favour of their father giving all rights in respect of the properties devolved on them including the plaint schedule property on 15.05.1978.

The plaintiff further pleaded that as per the partition, the plaint schedule property and some other properties delegated upon the daughter of Thikkavarapu Pattabhirami Reddy by name Nandana Ishbiliya and subsequently, the GPA agent of N.Ishbiliya by name Thikkavarapu Pattabhirami Reddy sold the plaint schedule plot Nos.9 and 10 to one Epuru Sulochanamma for valuable consideration of Rs.7,200/- on 23.03.1981, and she obtained a regular Registered Sale deed and since then she had been in possession and enjoyment of the same by virtue of the said sale deed until her properties devolved on her family members. The family members of E.Sulochanamma out of two plots sold plot No.10 to Muppala Nirmala vide document dated 07.06.1994. The plaintiff pleaded that she purchased the plaint schedule plot No.9, after the death of Sulochanamma, from the family members of Epuru Sulochanamma under Registered Sale deed dated

11.01.1996, and on 09.01.2019, the plaintiff along with her family members came to Nellore, and went to the plaint schedule property and found that some illegal constructions were raised by defendant Nos.1 and 2, when they questioned about the illegal constructions and activities, the defendant No.1 informed that he purchased the plaint schedule property from the defendant No.3 on 07.09.2018, under a Registered Sale deed.

The plaintiff further pleaded that on enquiries made by her, she found that the defendant No.3 without having any right or title over the plaint schedule property clandestinely in collusion with the defendant No.1 created the documents. The plaintiff pleaded that on 11.01.2019, she got issued a caution notice through the counsel to the public informing about the purchase of the plaint schedule property by her from her vendor and about the documents created by defendant Nos.1 and 3, which are not binding on her. The said publication was made in Eenadu Daily Newspaper on 11.01.2019, and subsequent to the filing of the suit, the defendant No.1 entered into a registered Development Agreement-cum-General Power of Attorney dated 09.04.2019, with the defendant-Firm represented by the defendant Nos.1, 5 and 6 as its partners with certain terms and conditions to construct residential apartments under the name and style of Sri Vyshnavi Homes in the plaint schedule site and the said development agreement and sale deeds were executed pending the suit and hence, they are not valid and binding on the plaintiff. Hence, the plaintiff is constrained to file the present suit.

7. The defendant Nos.1 and 2 filed written statement before the trial Court. The brief averments in the written statement are as follows:

The defendant No.3, who has become the absolute owner of the plaint schedule property sold the plaint schedule property in favour of the defendant No.1 for valuable consideration of Rs.30,00,000/- under Registered Sale deed dated 07.09.2018, and the defendant No.1 paid the said consideration amount of Rs. 30,00,000/- by way of demand draft dated 05.09.2018, drawn on the Union Bank of India. The defendant Nos.1 and 2 further pleaded that the defendant No.1 has become the absolute owner of the plaint schedule property and except him no one has got any right or title over the same. They further pleaded that the defendant No.1 being the absolute owner of the plaint schedule property gifted an extent of 24 sq.ft. to the defendant No.2 under Registered Gift deed dated 12.11.2018 and she has been in possession and enjoyment of the same since the date of the said gift deed. They further pleaded that the plaintiff is not the owner of the plaint schedule property and she has no right to file the suit, as such, they prayed to dismiss the suit with costs.

8. Defendant No.3 adopted the written statement filed by defendant Nos.1 and 2. The defendant No.4 filed a written statement before the trial Court, which was adopted by the defendant Nos.5 to 9. The present second appeal is preferred by the defendant Nos.1 and 2. The defendant Nos.3 to 9 has not preferred the second appeal along with the defendant Nos.1 and 2.

9. On the basis of above pleadings, the learned Principal Senior Civil Judge, Nellore, framed the following issues for trial:

- 1) Whether the plaintiff is entitled for relief of declaration of her title over suit schedule property as prayed for?
- 2) Whether the Will deed, dated 30.02.1991 is genuine and the 3rd defendant got right, title over the suit schedule property?
- 3) Whether the executants of the Will, dated 30.05.1991 got right, title over the suit schedule property to bequeath the same in favour of the 3rd defendant?
- 4) Whether the 1st defendant continue in possession as rightful owner?
- 5) Whether the plaintiff is entitled for recovery of possession as prayed for?
- 6) Whether the plaintiff is entitled for the relief of declaration that the sale deed dated 07.09.2019 vide doc.No.4660 of 2018 executed by the defendant No.3 in favour of the defendant No.1 and subsequent settlement deed dated 12.11.2018 bearing doc.No.11904 of 2018 executed by the defendant No.1 in favour of the defendant No.2 for an extent of 24 sq.ft as null, void and not binding on the plaintiff?
- 7) Whether the plaintiff is entitled for consequential relief of mandatory injunction as prayed for?
- 8) Whether the plaintiff is entitled for permanent injunction as prayed for?
and
- 9) To what relief?

10. During the course of trial before the trial Court, on behalf of the plaintiff, P.W.1 to P.W.5 were examined and Exs.A-1 to A-34 and Exs.C-1 to C-6 were marked. On behalf of the defendant Nos.1 and 2, D.W.1 was examined and Exs.B-1 and B-2 were marked and on behalf of the defendant Nos.3 to 9, D.W.2 was examined and no document was marked.

11. The learned Principal Senior Civil Judge, Nellore, after conclusion of trial, on hearing the arguments of both sides and on consideration of oral and documentary evidence on record, decreed the suit with costs. Felt aggrieved thereby, the unsuccessful defendant Nos.1 to 3 filed the appeal suit in A.S.No.27 of 2023, on the file of the III Additional District Judge, Nellore, wherein the following points came up for consideration:

- 1) Whether the plaintiff could establish her right, title and interest over the plaint schedule property independently without depending on the weakness in the case of the defendants or not?
- 2) Whether there are any grounds to interfere with the finding given by the learned Principal Senior Civil Judge, Nellore? and
- 3) To what finding?

12. The learned III Additional District Judge, Nellore, i.e., the first appellate Judge, after hearing the arguments, answered the points, as above, against the defendants and dismissed the appeal suit filed by the defendants. Felt aggrieved of the same, the defendant Nos.1 and 2 in O.S.No.09 of 2019 filed the present second appeal before this Court.

13. Heard Sri O.Manohar Reddy, learned Senior Counsel, representing Ms.Grandhi Priyanka, learned counsel for the appellants and Sri P.S.P.Suresh Kumar, learned counsel for the respondents.

14. It has to be kept in mind that the right of appeal is neither a natural nor an inherent right attached to the litigation. It is regulated in accordance with law. A second appeal preferred under Section 100 of C.P.C., could be admitted only when the appellants satisfies the Court that substantial question of law between the parties arise in the case. A proper test for determining whether a question of law raised in the case is substantial would be or whether it directly and substantially affects the rights of the parties and if so, whether it is either an open question in the sense that it is not finally settled by the superior Courts or is not free from difficulty or cause for discussion of alternative views. In a case of ***Boodireddy Chandraiah v. Arigela Laxmi***¹, the Apex Court held that it is not within the domain of High Court to investigate grounds on which the findings were arrived at by the last Court of fact namely, the first appellate Court. In a case where from a given set of circumstances two inferences of facts are possible, one drawn by the lower appellate Court will not be interfered by the High Court in a second appeal. Adopting any other approach is not permissible. Where, the facts required for a point of law have not been pleaded, a litigant should not be allowed to raise that question as a substantial question of law in second appeal. Mere appreciation of facts,

¹ (2007) 8 SCC 155

documentary evidence and contents of documents cannot be held to be raising a substantial question of law.

15. The defendant Nos.1 and 2 having chosen to invoke the jurisdiction of this Court under Section 100 of Civil Procedure Code, it is for them to meet the above principles and satisfy the Court whether there exists any substantial question of law.

16. This second appeal is filed against the concurrent findings arrived by both the Courts below, therefore, the grounds urged in the second appeal are to be scrutinized to find out whether the appellants has shown any substantial question of law. The contention of appellants is that the judgment and decree of the trial Court as well as the first appellate Court are contrary to law and that the second appeal may be allowed by setting aside the judgment and decree passed by both the Courts below i.e. the trial Court and the first appellate Court.

17. The appellants are the defendant Nos.1 and 2 in O.S.No.09 of 2019 before the trial Court and the undisputed facts of both the parties are the plaint schedule property along with the other properties situated in Sy.No.1941 and other adjacent survey numbers belong to one Thikkavarapu family members and the father of defendant No.3 by name Thikkavarapu Pattabhirami Reddy. The plaintiff further pleaded Thikkavarapu Rami Reddy and his two sons Thikkavarapu Pattabhirami Reddy and Sivakumar Reddy partitioned their ancestral properties under a registered partition deed dated 20.08.1944, and

the plaint schedule property and other several properties devolved on the father of the defendant No.3 by name Thikkavarapu Pattabhirami Reddy and thereafter, the father of the defendant No.3 laid plots in different survey numbers including Sy.No.1941 and obtained the approved layout from the panchayat. It is also undisputed by both the parties that Pattabhirami Reddy gifted some of the properties in favour of his wife Snehalatha Reddy, under the original of Ex.A-1, registered gift settlement deed dated 11.12.1974, and the said gift settlement deed is a registered document, which is more than fifty (50) years old document and the said document is not questioned by any of the parties till so far. The wife of Pattabhirami Reddy by name Snehalatha Reddy died intestate on 20.01.1977, by leaving her husband Pattabhirami Reddy and her children/defendant No.3 and his sister by name Nandana Ishbiliya.

18. The case of the plaintiff is that the children of Pattabhirami Reddy/defendant No.3 and Nandana Ishbiliya executed a registered General Power of Attorney in favour of their father on 28.02.1978, by giving all rights in respect of the properties devolved on them, upon the death of their mother Snehalatha Reddy. By virtue of registered General Power of Attorney, both the children Pattabhirami Reddy viz. defendant No.3 and his sister has given authority to their father Pattabhirami Reddy to deal with the property. The recitals in Ex.A-2 clearly go to show that the children of Pattabhirami Reddy authorizing their father to sell away the plots that devolved upon them in a layout. Ex.A-3 certified copy of a registered sale deed dated 20.03.1981,

executed by Pattabhirami Reddy as General Power of Attorney holder of his daughter by name Nandana Ishbiliya in favour of Sulochanamma. In Ex.A-3 sale deed, there are specific recitals about the family partition dated 15.05.1978, between Pattabhirami Reddy and his children and the plaintiff schedule plot No.9 and another plot No.10 fell to the share of Nandana Ishbiliya. The case of the plaintiff is that the legal representatives of Sulochanamma sold the plot No.10 to Muppala Nirmala *vide* registered document dated 07.06.1994. Ex.A-4 is the certified copy of the registered sale deed dated 11.01.1996, it goes to show that the legal representatives of Sulochanamma executed a registered sale deed in favour of the plaintiff in respect of Plot No.9 i.e. the plaintiff schedule property . To prove the case of the plaintiff, the plaintiff relied on the evidence of P.W.2 and also one of the vendors of the said sale deed as P.W.4. The evidence of P.W.2 and P.W.4 are sufficient to come to a conclusion that the plaintiff got title and enjoyment over the plaintiff schedule property. In order to prove their title in the schedule property, the plaintiff relied on the registration extract of the sale deed and also examined one of the vendors of the plaintiff as P.W.4. The plaintiff proved her title by examining two witnesses i.e. P.W.2 and P.W.4.

19. The case of appellants is that the appellant No.1 is the husband of the appellant No.2, the defendant No.3 is the vendor of appellant No.1/defendant No.1. The defendant Nos.1 and 2 relied on the Ex.B-1 certified copy of the registered Will dated 30.05.1991, said to have been executed by Pattabhirami Reddy in favour of defendant No.3 in respect of the property situated at

Bangalore and other movable properties, whereas, the plaint schedule property herein is an immovable property situated at Nellore. D.W.1 is the defendant No.1. As per his evidence, Pattabhirami Reddy has a wife by name Snehalatha Reddy and two children i.e. the defendant No.3 and Nandana Ishbiliya and the said Snehalatha Reddy died intestate. He further stated that he purchased the plaint schedule property under Ex.A-6 on 07.09.2018, from the defendant No.3. As per his evidence, the title to the plaint schedule property under Ex.A-6 registered sale deed said to have been executed by the defendant No.3 dated 07.09.2018 and the suit is filed on 21.01.2019, which is just four (04) months prior of filing the suit. In Ex.A-6 also it was recited that the Thikkavarapu Pattabhirami Reddy was the original owner of plaint schedule plot No.9 and the said Pattabhirami Reddy executed a Will under Ex.B-1 in respect of his property and Pattabhirami Reddy died on 06.05.2006.

20. As noticed *supra*, Ex.B-1 Will is no way connected to the property situated at Nellore at where the plaint schedule property is situated. Ex.B-1 Will is confined in respect of the property situated at Bangalore and other movable properties, the same is admitted by the propounder of Ex.B-1 Will, in his evidence itself, D.W.2 is the propounder of the Will and also the vendor of the defendant No.1. D.W.2 admits that there is no specific recital about the plaint schedule property in the Will and the Will relates to the property situated at Bangalore and movable properties. The vendor of defendant No.1 i.e. D.W.2 admits in his evidence itself that there is no specific mention in the Will that the immovable properties belong to the testator at Nellore were

bequeathed to him. He further admitted that he, his sister and his father are settled in cinema industry at Bangalore.

21. The vendor of the defendant No.1 is examined as D.W.2 before the trial Court. His evidence reveals that he became the absolute owner of the plaint schedule property by virtue of registered Will deed dated 30.05.1991, said to have been executed by his father, subsequent to the death of his father he has been in possession and enjoyment of the same and on 07.09.2018, he sold the plaint schedule property to the defendant No.1 under a registered sale deed for a valuable sale consideration. By the date of Ex.B-1 Will dated 30.05.2019, the father of the defendant No.3 as the General Power of Attorney holder of his children executed a registered sale deed in respect of the plaint schedule plot No.9 in favour of the plaintiff. Therefore, by the date of alleged Will Ex.B-1, dated 30.05.1991, the father of the defendant No.3 i.e. Pattabhirami Reddy is not having any rights in respect of the plaint schedule plot No.9 in view of the registered sale deed executed by Pattabhirami Reddy as the General Power of Attorney holder of his children on 20.03.1981, in favour of Epuru Sulochanamma. Therefore, it is evident that the vendor of the defendant No.1 i.e. the defendant No.3 is not having any title in the plaint schedule plot and that, no title is passed from the defendant No.3 under Ex.A-6 to the defendant No.1.

22. The law is well settled that *“the execution of a registered document by itself will not create any new title and the execution or registration of the said document covering any immovable property is governed by the principle*

“Nemo dat quod non habet”, which means ***“no person can transfer/pass a better title than what he possess in the property so transferred.”*** Given the fact that the transfer of an immovable property is governed by the same principle, the registering authority when receives a document and registered it, does not decide the title of the persons executing the document. Therefore, mere registration of the document will not confer any title and in the case of any title disputes arising out of such registrations, they are subject to and decided under the various other laws, governing the transfer of immovable property. In the case at hand, the defendant No.3 is not having any title in the plaint schedule property by the date of execution of the alleged sale deed in favour of the defendant No.1 and that he cannot transfer a better title than what he possess in the property so transferred. As noticed *supra*, undoubtedly, the defendant No.1 will not get any title in the plaint schedule property from his vendors/defendant No.3, since the defendant No.3 is not having any title in the plaint schedule property as on the date of execution of the sale deed in favour of the defendant No.1.

23. There is a material evidence on record to show that by the date of execution of Ex.A-6 sale deed in favour of the defendant No.1, his vendor/defendant No.3 is not having any title in the plaint schedule property. The plaintiff purchased the plaint schedule property under a valid registered sale deed from the legal representatives of Epuru Sulochanamma, a way back in the year 1996 i.e. about twenty five (25) years prior to the institution of the suit. It is evident that Sulochanamma purchased the same under the

registered sale deed dated 20.03.1981 from Pattabhirami Reddy, who is the General Power of Attorney holder of his daughter by name Ishbiliya. It is also relevant to mention here that the said Pattabhirami Reddy had got two children i.e. the defendant No.3 and Ishbiliya, who executed Ex.A-2 registered General Power of Attorney in favour of her father Pattabhirami Reddy, a way back in the year 1978 i.e. on 28.02.1978, and the same is not yet cancelled till so far. Both the defendant No.3 and his sister gave the registered General Power of Attorney by giving all rights to their father for giving the property to lease, mortgage or to sell the same and receive the sale consideration from the vendees, the same is undisputed by the defendant No.3 and the registered General Power of Attorney, dated 28.02.1978, is not challenged by the defendant No.3 and his sister. Therefore, it is evident that the vendors of the plaintiff are having absolute title in the plaint schedule property and the same has been transferred to the plaintiff under a valid registered sale deed. Therefore, the plaintiff has proved her title by way of Ex.A-4 registered sale deed by examining one of the attestors of the said sale deed as P.W.2 and one of the vendors of the plaintiff is also examined as P.W.4 before the trial Court. For the aforesaid reasons, under Ex.A-4 registered document, the plaintiff got absolute title in the plaint schedule property.

24. In a case of ***Tirumala Venkata Reddaiah Chowdary and another, Minors, rep. by Mother, Smt. A.V.Kalyani Vs. Potal Krishna Prasad and***

another², the Composite High Court of Andhra Pradesh at Hyderabad held as follows:

“The Registration Act, 1908 is an Act, which strikes at documents and not at transactions. The principal object of registering a document is to give notice to the world that such a document has been executed, to prevent fraud and forgery and to secure a reliable and complete account of all transactions effecting the title to the property. Its further object is to provide a method of public registration of documents so as to give information to people regarding legal rights and obligations arising or affecting a particular property, and to perpetuate documents, which may afterwards be of legal importance, and also to prevent fraud. Registration sought to provide inviolability and importance to certain classes of documents. Under Section 17 of the Registration Act, 1908, certain documents, the value of transaction of which is one hundred rupees and upwards, are required to be registered compulsorily, and the effect of non-registration of such documents, is stated in Section 49 thereof. Thus from the scheme of the Registration Act, 1908, by registration of a document, it was intended to create legal rights and obligations which may be of legal importance in future and to prevent fraud and forgery.”

It is well settled that *“mere registration of the document by the registering authority does not confer title unless the transferor is the lawful owner of that property herein”*. The transferor/defendant No.3 is not competent to transfer any property to the defendant No.1 under Ex.A-6, since the defendant No.3 was not having any title by the date of execution of sale deed in favour of the defendant No.1. Therefore, Ex.A-6 cannot confer better title to the defendant No.1 under Ex.A-1.

25. Learned counsel for the appellants would contend that the property has fallen to the share of the defendant No.3, who acquired the same under a

² 2009 (3) ALT 18

registered partition dated 20.08.1944, but, both the Courts below failed to see that the property is an ancestral property by virtue of Section 6 of the Hindu Succession Act, the father, the defendant No.3 and his sister would be the co-owners. It was not pleaded by the appellants in the written statement that the schedule property is an ancestral property and that Pattabhirami Reddy, the defendant No.3 and his sister are the co-owners of the scheduler property by virtue of Section 6 of the Hindu Succession Act. There is no pleading in the written statement or it was not suggested to the plaintiff's witnesses in cross-examination before the trial Court that the defendant No.3 and his sister are having rights along with their father by virtue of Section 6 of the Hindu Succession Act, since they are the co-owners to the said property. For the first time in the second appeal proceedings, it was contended by the learned counsel for the appellants during the course of arguments in the second appeal, the same is also not pleaded by the appellants before the First Appellate Court. The law is well settled that "*the Second Appellate Court cannot go into the question which had not raised by the appellants in their pleadings or in the evidence*". It is relevant to say that both the children of Pattabhirami Reddy i.e. the defendant No.3 and his sister, gave a registered General Power of Attorney dated 28.02.1978, in favour of their father Pattabhirami Reddy to sell the plaint schedule property to deal with the property, to mortgage or to sell the property to receive sale consideration from the vendees.

26. As noticed *supra*, the plaintiff has got a valid title in respect of the plaint schedule property and the defendant No.3 is not having any valid title and interest in the plaint schedule property. Therefore, he cannot pass any title, which he does not have. Thus on the basis of execution of Ex.A-6 sale deed by the defendant No.3 in favour of the defendant No.1, he cannot acquire better title than that of the defendant No.3. Thus, the findings as recorded by the two Courts i.e. the trial Court and the First Appellate Court are neither perverse nor illegal and do not warrant any interference in the second appeal.

27. Having regard to the reasons assigned, this Court is satisfied that the concurrent findings of fact recorded by both the Courts below on all the issues/points against the defendants and in favour of the plaintiff do not brook interference and that both the Courts below are justified in decreeing the suit in favour of the plaintiff. The findings of fact recorded by both the Courts below were based on proper appreciation of evidence and the material on record and there was neither illegality nor irregularity in those findings and therefore, the findings do not require to be upset. Further, the existence of substantial questions of law is a sine qua non for the exercise of jurisdiction by this Court as per Section 100 of Code of Civil Procedure. The questions raised, strictly speaking, are not even pure questions of law, let alone substantial questions of law.

28. In the result, the second appeal is dismissed at the stage of admission, confirming the judgment and decree of both the Courts below and two (02) months time is granted to the defendants to deliver the vacant possession of

the plaint schedule property to the plaintiff in O.S.No.09 of 2019, on the file of the Principal Senior Civil Judge Court, Nellore. Considering the facts and circumstances, there shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the Appeal shall stand closed.

V. GOPALA KRISHNA RAO, J.

Date: 09.03.2026

SRT