ITEM NO.23 COURT NO.10 SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2011
CC 8555/2011

(From the judgement and order dated 15/12/2010 in SA No. 255/2010 of The HIGH COURT OF A.P AT HYDERABAD)

K. NAGESHWAR RAO Petitioner(s)

VERSUS

KATLA CHANDRAKALA Respondent(s)

IA NO.1(c/delay in filing SLP,permission to file additional documents)

Date: 09/08/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)
Mr. C.S.N. Mohan Rao,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The delay of 1 day in filing the special leave petition is condoned.

This petition is directed against judgment dated 15.12.2010 of the learned Single Judge of the Andhra Pradesh High Court whereby he dismissed the second appeal filed by the petitioner against the judgment of the lower Appellate Court which had confirmed the decree passed by the trial Court in a suit for possession filed by the respondent.

We have heard learned counsel for the petitioner and perused the record. In our view, the concurrent finding

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recorded by the trial Court and the lower Appellate Court that the respondent was owner of the suit property inasmuch as the same was purchased by her by registered sale deed and that the petitioner had no right to continue to occupy the same was based on correct appreciation of the pleadings and evidence of the parties and the learned Single Judge of the High Court did not commit any error by refusing to interfere with the said finding.

Although, the learned Single Judge was not required to re-appreciate the evidence produced by the parties but after doing so he has reached the same conclusion that the petitioner has no right over the suit property.

The special leave petition is accordingly dismissed. The petitioner is directed to handover physical possession of the suit property to the respondent within a period of two months from today. During this period he

shall not to induct any person in the suit property else he shall have to suffer proceedings under the Contempt of Courts Act, 1971.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master