

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTY FIRST DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

: PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

SECOND APPEAL NO: 173 OF 2026



Between:

1. Siddabattula Appa Rao, (1st Plaintiff) S/o Late Tirupathi, Male, aged about 59 years, Cultivation, R/o Kondampeta Village, Presently residing at Vijayawada, Chuttugunta, D.No.30-24-119/23A, Ravesh Canal, 9th line, Vijayawada.
2. Siddabattula Surya Rao, (2nd Plaintiff) S/o Late Tirupathi, Male, aged about 54 years, Cultivation, R/o Kondampeta Village, Presently residing at Vijayawada, Chuttugunta, D. No.30-24-62/12A, Ravesh Canal, 3rd line, Vijayawada.
3. Siddabattula Narayana Rao, (3rd Plaintiff) S/o late Venkata Rao, Male, aged about 50 years, Cultivation, R/o Kondampeta Village, Rajam Mandal, At present residing at YSR Cclony, D.No.191 SF, Vijayawada.
4. Siddabattula Surya Rao, (4th Plaintiff) S/o late Narasimhulu, Male, aged about 45 years, Cultivation, R/o Kondampeta, Rajam Mandal, at present residing at Vuyuru Village, Three Donkas Road, D.No.12-377, Vuyuru Mandal, Krishna District.
5. Kalari Ramulamma, (5th Plaintiff) W/o Satya Rao, Female, aged about 60 years, R/o Kondampeta, Rajam Mandal, at present residing at Vuyuru Village, Three Donkas Road, D.No.12-387, Vuyuru Mandal, Krishna District.

Appellants/R1 to R5 Plaintiffs

AND

1. The District Collector, (D2) Srikakulam, Representing the State of Andhra Pradesh, Collector Office, Srikakulam.
2. Thaluka Tahsildar, (D3) Rajam, Thaluka Office, Rajam, Srikakulam District.
3. The Assistant Engineer, (D4), Housing Corporation, Rajam, Rajam Mandal, Srikakulam District

Respondents/Appellants/ Defendant Nos. 2, 3, 4

4. Kalari Ramana, (D1) S/o late Seetharam, Male, aged about 40 years, Cultivation, R/o Kondampeta Village, Ramamandiram Veedhi, Door No.1-49, Rajam Mandal, Srikakulam District.
5. The Commissioner, (D5) Nagar Panchayat, Rajam, Srikakulam District.

Respondents/ Defendants 1 and 5

Second Appeal under Section 100 CPC against the order dated pleaded to allow this second appeal by setting aside the decree and judgement in A.S.No.46/2023, on the file of Principal District Judges Court, Srikakulam, dated 20.11.2025 under which the decree and judgment of trial court, dated 10.05.2023 in OS.No.94/2018, on the file of Civil Judge (Senior Division), Rajam is reversed and thus decree the suit as prayed for

IA NO: 1 OF 2026

Petition under Order 39 Rule 1 & 2 r/w Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant temporary injunction restraining the respondents/defendants from interfering with petitioners' possession and enjoyment of plaint schedule property of Ac.0-57 cents, situated in old Sy.No.18, old patta No.2619 and new Sy.No.70/15, situated Gopalapuram Village, within the limits of Kothavalasala Panchayat, Rajam

Mandal, Srikakulam District, Pending disposal of SA No.173 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Chalasani Ajay Kumar, Advocate for the Appellants, and of GP for Arbitration for the Respondent Nos. 1 & 2, the Court made the following.

ORDER

Heard Sri C. Venkaiah, learned Counsel for the Appellants and Ms. Sameera Bokka, learned Counsel appearing for the Respondent Nos.1 & 2. ✓

2. This is the Second Appeal preferred against the Order of the learned Principal District Judge, Srikakulam in an Appeal Suit bearing A.S.No.46/2023 dated 20.11.2025. The facts in this case would indicate that the Appellants/Plaintiffs herein filed O.S.No.94/2018 on the file of the learned Civil Judge (Senior Division), Rajam. Defendant Nos.2 to 5 in the Suit are the Official Respondents. The learned Civil Judge (Senior Division), Rajam, *vide* Judgment and Decree dated 10.05.2023, was pleased to pass Decree in favour of the Plaintiffs/Appellants herein. The Defendant Nos.2 to 4 therein preferred the Appeal Suit bearing A.S.No.46/2023 before the learned Principal District Judge, Srikakulam. The learned Principal District Judge, Srikakulam *vide* Judgment and Decree dated 20.11.2025, had set aside the Decree passed by the trial Court. Therefore, the aggrieved Plaintiffs have now filed the present Second Appeal. ✓

3. It is submitted by the learned Counsel for the Appellants herein that despite grant of Permanent Injunction in favour of the Plaintiffs by the trial Court, during the pendency of the First Appeal, the Defendant

Nos.2 to 4 have made some constructions. The above facts would indicate that the impugned Order is a reversal Order. Learned Counsel for the Appellants has taken this Court through the questions of law which are at para 24 of the present Second Appeal. This Court has perused the questions of law. ✓

4. Having done so, this Court is of the opinion that this Second Appeal is fit for admission in view of the fact that the impugned Order is a reversal Order and that the questions of law raised by the Appellants herein are of substantial nature. The said questions of law are extracted hereunder: ✓

“(i) Whether the first appellate court committed substantial error of law in reversing the decree and judgment of trial court on mere surmises and conjectures without recourse to oral and documentary evidence on record. ✓

(ii) Whether the first appellate court below committed error of law by not following best evidence rule as contemplated under section 91 and 92 of Indian Evidence Act, more so when Ex.A1 and Ex A2 are registered documents of more than 30 years old and has some evidentiary value, by considering the oral evidence of defendants to contradict, vary, add to or subtract from its contents? ✓

(iii) Whether the first appellate court committed substantial error while delivering the decree and judgment reversing the trial court's decree and judgment ignoring the well settled legal proposition that boundaries prevail over survey number. ✓

(iv) Whether the first appellate court committed substantial error of law, in reversing the judgment of the trial court though plaintiffs proved Ex.A1 and Ex.A2 registered documents and established their title and possession from their predecessors in title onwards. ✓

(v) Whether the first appellate court below committed error of law by not considering the admissions made by DW.1 in the evidence and also pretending ignorance when material questions as to title and possession were put to him in the cross examination? ✓

vi) Whether the first appellate court below erred under law by giving various findings in the judgment without there being pleadings and evidence by the contesting defendants? ✓

(vii) Whether under the facts and circumstances of the case the findings of the first appellate court below that though Ex.A1 and Ex A2 registered documents are not disputed by contesting defendants yet allowing the first appeal filed by defendants is legally unsustainable or not? ✓

(viii) Whether the first appellate court is justified in reversing the decree and judgment of trial court without justifiable grounds on facts and law and without proper reasons. ✓

(ix) Whether the judgment of the first appellate court is perverse and not based on admitted pleadings and evidence and applying settled legal principles wrongly? ✓

5. Accordingly, Admit the Second Appeal and post for final hearing in due course. ✓

6. Registry is directed to fetch the trial Court record as per the rules in force.

7. Having regard to the facts of this case, there shall be a direction to all parties in the Second Appeal to maintain *Status-quo* obtaining as on today till the disposal of the Second Appeal. ✓

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

NB
SECTION OFFICER

To,

1. The Principal District Judges Court, Srikakulam
2. The District Collector, (D2) Srikakulam, Representing the State of Andhra Pradesh, Collector Office, Srikakulam.
3. Taluka Tahsildar, (D3) Rajam, Taluka Office, Rajam, Srikakulam District.
4. The Assistant Engineer, (D4), Housing Corporation, Rajam, Rajam Mandal, Srikakulam District
5. Kalari Ramana, (D1) S/o late Seetharam, Male, aged about 40 years, Cultivation, R/o Kondampeta Village, Ramamandiram Veedhi, Door No.1-49, Rajam Mandal, Srikakulam District.
6. The Commissioner, (D5) Nagar Panchayat, Rajam, Srikakulam District (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and memorandum of grounds)
7. One CC to Sri Chalasani Ajay Kumar, Advocate [OPUC]
8. One spare copy

HIGH COURT

GRKP, J

DATED: 21/04/2026

POST FOR FINAL HEARING IN DUE COURSE

ORDER

SA.No.173 of 2026

STATUS QUO

