

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. S.A. No.198 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	22.04.2026	<u>VGKR, J</u> Heard. The following substantial questions of law in the present Second Appeal have been framed for determination under Section 100 of the Code of Civil Procedure, (for 'short the C.P.C'.) Admit: 1. <i>"Whether the First Appellate Court has correctly dealt the case on hand, as the Suit is totally hit by Order I Rule 8 as the respondent No.1/ plaintiff has not obtained any permission from his brothers who are the other co-sharers who are allegedly also having right title or interest over the plaint schedule property"?</i> 2. <i>"Whether the First Appellate Court has correctly decreed the Suit for bare Permanent Injunction, when there is a serious cloud over the plaint schedule property of the respondent No.1/ plaintiff, without seeking declaration of the title,</i>	

		<i>mere seeking for Permanent Injunction is maintainable or not, but the First Appellate Court simply granted permanent injunction without asserting the title of the respondent No.1/ plaintiff, even he is not entitle any relief under Section 38 of Specific Relief Act as he not satisfied the ingredients therein for entitlement the relief claimed in the Suit”?</i> <i>3. “Whether the First Appellate Court is right in granting the Decree when the respondent No.1/plaintiff totally failed in proving the cardinal principles for grant of injunction i.e.,1) Title, 2) Possession, 3) Balance of convenience and the loss would be occurred if the Permanent Injunction is not granted, in the absence of establishing the above principles, the very granting permanent injunction is noting but miscarriage of justice.”</i> <i>4. “Whether the First Appellate Court has rightly dealt the burden of proof as envisaged under Section 101 of the Indian Evidence Act, as the respondent No.1/ plaintiff has totally failed in proving his entitlement for grant of decree for</i>	
--	--	---	--

		<i>Permanent Injunction without seeking any declaration of his right over the plaint schedule property.”</i> _____ VGKR, J <u>I.A.No.1 of 2025</u> Heard both sides. Perused the record. For the reasons mentioned in the accompanying affidavit, since the Second Appeal has been admitted, the decree and judgment dated 25.11.2024 in A.S.No.147 of 2018 on the file of the Court of the Additional Civil Judge (Senior Division), Krishna Machilipatnam have been suspended. _____ VGKR, J <u>S.A. No.198 of 2025</u> List the matter on 17.06.2026. _____ VGKR, J JLSR	
--	--	--	--