

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. S.A.No.316 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
05.	24.06.2026	<u>VGKR, J</u> Heard learned counsel appearing for both sides. 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: I. <i>"Whether both the Courts below erred by negating the crucial aspect of the plaintiff No.2 (Ex.B.16), who is a minor at the time of executing a promissory note, which is in contravention with the statutory mandate under Section 11 of the Indian Contract Act, 1872?"</i> II. <i>Whether both the Courts failed to properly apply the doctrine of alibi, when there is a cogent evidence which is available in the form of a documentary evidence (Ex.B19, Ex.B21 and Ex.B22) which unequivocally establishes the</i>	

		<i>defendants and attesters presence at the time of execution of the alleged promissory note, which is in contravention to the settled principle that documentary evidence prevails over oral evidence as enumerated in Section 91 of the Indian Evidence Act?</i> III. <i>Whether both the Courts findings are perverse, illegal and arbitrary by disregarding the material alterations in the promissory note, which is void under Section 87 of the Negotiable Instruments Act, 1881?"</i> VGKR, J <u>I.A.No.1 of 2025</u> Heard learned counsel appearing for both sides and perused the affidavit filed by the petitioner. Learned counsel for the petitioner placed a case law in <i>Lifestyle Equities C.V. & Anr. Vs. Amazon Technologies Inc.</i>¹ On considering the facts and circumstances of the present case and on perusal of the affidavit filed by the petitioner, this Court is of the considered	
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¹ 2025 LiveLaw (SC) 974

		view that since the second appeal is admitted, it is desirable to stay the execution of the decree and judgment dated 06.01.2025 passed in A.S.No.37 of 2022, on the file of the X Additional District Judge, Anakapalli, confirming the decree and judgment dated 21.09.2022 passed in O.S.No.101 of 2017, on the file of the Additional Senior Civil Judge Court, Anakapalli, on a condition to deposit 25% of the decretal amount before the trial Court by the petitioner within a period of four (04) weeks from today, failing which the stay shall stand vacated. _____ VGKR, J <u>S.A.No.316 of 2025</u> Post the matter on 29.07.2026. _____ VGKR, J SRT	
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