

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. S.A.No.257 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
01.	24.04.2026	<u>BKM,J</u> Heard the learned counsel for the appellant and Sri S.Raja Bhogendra Nath, learned counsel takes notice for the respondents to file counter. This second appeal is filed against the judgment dated 05.02.2026 in A.S.No.101 of 2019 on the file of Principal District Judge, Kurnool reversing and setting aside the judgment of the Senior Civil Judge court, Atmakur in O.S.No.110 of 2014 dated 28.06.2019. The substantial questions of law would arise for consideration in this second appeal are: i) Whether the suit for declaration of title and recovery of possession is maintainable without seeking the relief of setting aside or cancellation of the prior decree in O.S.No.80 of 2002? ii) Whether the First Appellate Court erred in holding that Article 65 of the Limitation Act applies to the present suit on the ground that the plaintiffs were minors at the time of earlier decree, without appreciating that the suit is not maintainable without seeking the relief of declaration to set aside or cancel the decree in O.S.No.80 of 2002 and therefore Article 65 does not apply and the suit is therefore governed by Article 59 of the Limitation Act, which prescribes a period of three years?	Contd..

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		iii) Whether the First Appellate court erred in reversing the well reasoned findings of the trial court and decreeing the suit without appreciating that Ex.A11 gift deed was not proved in accordance with the law by examining its attesters, as required under Section 68 of the Indian Evidence Act? iv) Whether the judgment of the lower appellate court is perverse in reversing the judgment and decree of the trial court while appreciating the pleadings and evidence on record. There shall be an order of <i>status quo</i> as on today to be maintained with respect to the suit schedule property covered under the second appeal pending further orders. List on 19.06.2026. NNN BKM,J	