

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No. S.A.No.337 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
3.	20.11.2025	<u>VGKR, J</u> <u>S.A.No.337 of 2025</u> Learned counsel appearing on both sides is present. 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'.) 1 <i>"Whether the First Appellate Court was justified in reversing the well considered the Judgment of the trial court without meeting its reasoning?"</i> 2. <i>"Whether the First Appellate Court was justified in allowing the appeal Lower by setting aside the Judgment and Decree passed in O.S.No.278 of 2011 basing on the alleged death certificate of Syed Rasool Saheb and Zaheera Bee who had executed GPA in favour of the deceased 1st plaintiff ignoring Ex.A.10 rectification deed which was executed in the year 2016 without marking the alleged death certificates as</i>	

		<i>exhibits and without cross examination of death certificates which is not permissible under law and as such the Judgment and Decree passed by the lower appellate Court cannot be sustained.?"</i> 3. <i>"Whether the First Appellate was acted legally in allowing the appeal disputing the validity of Ex.A.10 rectification deed after six years in the absence of any material on record more particularly Ex.A.10 rectification deed has been executed during pendency of the suit and the plaint has been amended and at any point of time the respondent/defendant did not take any objection either for the amendment of the plaint as amended in I.A.No.53/2017 dated 18.07.2017 or for marking of rectification deed and as such the lower appellate court ought not to have disputed Ex.A.10 rectification deed and its admissibility when once it was marked as exhibit without any objection later on no objection can be raised under Section 36 of Indian Stamp Act, 1906 as held by this Hon'ble Court and as well as Apex Court reported in 2007 (1) ALD page No.38 SC.?"</i> 4. <i>"Whether the First Appellate Court was acted legally in allowing the appeal on unmarked documents contrary to the observations made by this Hon'ble Court in C.M.A.No.444 of</i>	
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		<i>2022 which is not permissible under law.”</i> ADMIT: _____ VGKR, J <u>I.A.No.1 of 2025</u> Heard. For the reasons stated in the accompanying affidavit filed in support of this petition, there shall be an Interim Suspension of the Judgment & Decree dated 15.10.2024, passed in A.S.No.11 of 2018 on the file of the Principal District Judge, Nellore, S.P.S.R. Nellore District, as prayed for till 11.12.2025. _____ VGKR, J <u>S.A.No.337 of 2025</u> Post the matter on 11.12.2025. _____ VGKR, J CVD	
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