

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

MAIN CASE No. S.A.No.96 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
1.	06.02.2026	<u>DEV,J</u> <u>I.A.No.1 of 2026</u> Heard learned counsel for the petitioner. Perused the averments made in the accompanying affidavit. Being satisfied with the reasons stated therein, this petition is ordered, condoning the delay of 64 days in representing the main Appeal. _____ DEV, J <u>S.A.No.96 of 2026</u> Heard. In view of the following substantial questions of law raised at Para Nos.A, B and C of the grounds of appeal, as herein under: A. Whether the Judgments of the Hon'ble Courts Below can be sustained, when the plaintiffs failed to prove the Ex.A-2 Sale Deed, dt. 30-07-2008, by examining any one of the attester, as contemplated under Section 68 of Indian Evidence Act.	Contd..

		B. In a suit for cancellation of Decree Dt. 27-07-2009, in O.S.No.92 of 2009, on the file of the I Additional Civil Judge (Senior Division), Rajamahendravaram, the burden lies on the plaintiff to prove the fraud and collusion by the defendant no.1 and 2. If the plaintiff fails to prove the same, he is not entitled to cancellation of decree. If so, the judgments of the Courts below are vitiated. C. The Hon'ble Lower Appellant Court had miss interpreted the Judgement of the Apex Court in K.B.Saha and Sons Pvt Ltd. Reported in 2008 (8) SCC 564, with regard to admissibility of Ex.A-4 lease deed for collateral purpose, which is unregistered and not stamped properly. If so, the Judgments of the Courts Below are vitiated. Admit. Issue notice to the respondents. Learned counsel for the appellant is permitted to take out personal notice to the respondents by RPAD and file proof of service within a period of three (03) weeks. Post the matter on 06.03.2026.	
		_____ DEV, J	Contd..

I.A.No.2 of 2026

Heard learned counsel for the petitioner and perused the material available on record.

There shall be an interim stay, as prayed for, for a period of four (04) weeks.

DEV, J

SA/SCS