

**HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO**

**I.A.No.1 of 2023 in S.A.No.97 of 2023**

**ORDER:**

This application is filed praying to grant leave to the petitioners to file the second appeal against the judgment and decree passed in A.S.No.49 of 2014, on the file of the Principal District Judge, Chittoor dated 29.08.2019.

2. Heard both sides counsel on record.

3. The learned Senior Counsel, Sri P. Veera Reddy, on behalf of the petitioners/appellants would contend that in fact, the 2<sup>nd</sup> respondent herein filed a writ petition vide W.P.No.3209 of 2022, seeking to declare the order of Tahsildar in rejecting his application for issuance of pattadar passbook and title deed in respect of the land for an extent of Ac.3-04 cents situated in Sy.No.268/10 of Gundlakattamanchi Village, Bangarupalyam Mandal and the said writ petition is filed in the month of February, 2022 wherein the petitioners herein was arrayed as party-respondents. The petitioners mainly contended that the petitioners purchased the property from the original plaintiffs and the original plaintiffs are not having any interest to prosecute the matter and that they filed application under Section 151 of the Code of Civil Procedure, by praying leave of the Court permitted them to file a second appeal.

4. The learned counsel for the respondents would contend that the original plaintiffs themselves are not interested to contest the judgment, therefore, the *pendent lite* purchaser cannot maintain the second appeal.

5. The learned Senior Counsel placed a reliance of **H. Anjanappa and others vs. A. Prabhakar and others**<sup>1</sup> which was decided on 29.01.2025. The ratio laid down in the aforesaid case law is as follows:

The principles governing the grant of leave to appeal may be summarised as under:

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<sup>1</sup> AIR 2025 SC 924

- i. Sections 96 and 100 of the CPC respectively provide for preferring an appeal from an original decree or decree in appeal respectively;
- ii. The said provisions do not enumerate the categories of persons who can file an appeal;
- iii. However, it is a settled legal proposition that a stranger cannot be permitted to file an appeal in any proceedings unless he satisfies the court that he falls within the category of an aggrieved person;
- iv. It is only where a judgment and decree prejudicially affects a person who is not a party to the proceedings, he can prefer an appeal with the leave of the court;
- v. A person aggrieved, to file an appeal, must be one whose right is affected by reason of the judgment and decree sought to be impugned;
- vi. The expression "person aggrieved" does not include a person who suffers from a psychological or an imaginary injury;
- vii. It would be improper to grant leave to appeal to every person who may in some remote or indirect way be prejudicially affected by a decree or judgment; and viii. Ordinarily leave to appeal should be granted to persons who, though not parties to the proceedings, would be bound by the decree or judgment in that proceeding and who would be precluded from attacking its correctness in other proceedings.

In the aforesaid case law, the Apex Court further held as follows:

"A person who is not a party and who has not been served with such notice (notice of the judgment or order) cannot appeal without leave, but a person who might properly have been a party may obtain leave to appeal."

5. Considering the ratio laid down in the aforesaid case law and considering the circumstances of the case, leave is granted.

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**V. GOPALA KRISHNA RAO, J.**

Dt.09.07.2025.  
PGR

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