

HIGH COURT OF ANDHRA PRADESH

MAIN CASE : S.A. No.848 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
1.	12.12.2025	<u>KSR, J</u> <u>S.A.No.848 of 2025</u> The defendant in O.S.No.483 of 2014 on the file of the Court of Principal Senior Civil Judge, Nellore is the appellant. The respondent herein filed the above suit seeking specific performance of agreement of sale-Ex.A1. The appellant herein contested the suit by filing a written statement. After elaborate trial, the trial Court dismissed the suit, by judgment and decree, dated 12.02.2022. Aggrieved by the same, the respondent/ plaintiff filed appeal vide A.S.No.37 of 2022 on the file of the Court of I Additional District Judge, Nellore. After hearing both sides, the appellate Court allowed the appeal decreeing the suit for specific performance, by judgment and decree, dated 26.08.2025. Aggrieved by the same, defendant filed the present Second Appeal before this Court. 2. In view of the following substantial questions of law, <i>“(a) Whether the Lower Appellate Court is right in shifting the burden of proving execution of Agreement of Sale on the Defendants contrary to Sections 101-103 of the Evidence Act ?</i>	

(b) Whether the Lower Appellate Court is right in decreeing the Suit for specific performance when the Respondent/Plaintiff failed to prove continuous readiness and willingness on his part as required under Section 16(c) of the Specific Relief Act?"

ADMIT.

I.A.No.1 of 2025

Pending the Second Appeal, there shall be a stay of execution of the decree, dated 26.08.2025 passed in A.S.No.37 of 2022 on the file of the I Additional District Judge, Nellore, subject to the condition that the appellant deposits the costs. The appellant is further directed not to alienate the suit schedule property or create any third-party rights therein.

K.SURESH REDDY, J

SAB