

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: S.A.No.255 of 2026

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
	19.06.2026	<u>NV, J</u> Heard learned counsel for the appellants and learned counsel for the respondents. Considering the submissions made by the learned counsel for the appellants and on perusal of the material on record, the following substantial questions of law were framed: i) Whether the first appellate court below committed error of law by not following best evidence rule as contemplated under sections 91 and 92 of Indian Evidence Act, more so when plaintiff / PW.1 contended that he sold Ac.0-31 cents, out of Ac.0-40 cents to one Gannam Ananthaiah and others and omitted to file said original sale deed which is very crucial? ii) Whether the first appellate court below committed error of law by not drawing adverse inference against plaintiffs for withholding the best evidence within special knowledge by not filing any original or certified copy of sale deed without any justifiable explanation in support of their contentions that the 1st plaintiff sold Ac.0-31 cents, out of his Ac.0-40 cents of his land and remained	

		only Ac. 0-09 cents of schedule property? iii) Whether the first appellate court is justified in reversing the decree and judgment of trial court without justifiable grounds and granting a decree for permanent injunction when the plaintiff failed to prove lawful possession of the schedule property as on the date of filing suit, i.e., 18.12.2003 contrary to the law laid down by the Hon'ble Supreme Court in Maria Margarida Sequeira Fernandes Vs Erasmo Jack de Sequeira (2012) 5 SCC 370? iv) Whether the first appellate court committed a substantial error of law in relying upon Ex.A3 an incomplete and mutilated certified copy of alleged arbitration award contrary to Sections 61 to 65 of Indian Evidence Act equal to 56 to 60 of BSA 2023? v) Whether a bare suit for injunction is maintainable in the presence of serious disputes relating to title, partition and identity without seeking declaratory relief under section 34 of the Specific Relief Act? Admit. For hearing, list the matter after eight (8) weeks. Interim order granted earlier stands extended until further orders. <u>NV, J</u> TPS/BSP	
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