

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: S.A.No.317 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
1.	01.05.2026	<u>TRR, J</u> <u>S.A.No.317 of 2026</u> For the following sustainable questions of law, the Second Appeal stands Admitted: a. Whether the appellate court is justified in setting aside the well considered judgment and decree passed by the trial court without considering the Ex.A1 and A2 documents and also the Government surveyor report Ex.A16 report wherein it was clearly established that the subject land is a private Zeroity land and plaintiffs/appellants are the title holders of the plaint schedule property. b. Whether the appellate court is justified in reversing the findings of the trial court once the plaintiff establishes the <i>prima facie</i> title to the suit property by virtue of a registered document it should be presumed that the plaintiffs is in possession of suit land is to be required to be upheld for the reason that the plaintiffs have clear title when the defendants fail to prove their possession. c. Whether the findings of the appellant court on title and possession are perverse	

		and based on misreading of pleading and evidence, thereby giving raise to a substantial question of law under section 100 of CPC. d. Whether the appellate court is justified in reversing the decree and judgment of the trial court by invoking order 2 Rule 2 of CPC, when no substantial suit was filed and the bar under order 2 Rule 2 of CPC applies only to a suit on the same cause of action. e. Whether the appellate court is justified in holding that the suit itself was barred under order 2 rule 1 and 2 of CPC for not seeking possession, when order 2 Rule 2 does not render a suit non maintainable but only bars a further suit. f. Whether the appellate court is justified in reversing the well considered judgment and decree of the trial court without adjudicating the findings on title and injunction, solely on an erroneous application under order 2 Rule 2 of CPC. g. Whether the appellate court is justified in believing the evidence of defendants without considering the evidence and documents filed on behalf of the plaintiff particularly the Government surveyor report establishing the possession and title on the plaint schedule property of the plaintiffs.	
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		h. Whether the appellate court is right in not considering the survey conduct by the revenue authorities under Ex.A15 to A18 wherein it was established that the dispute land falls in Sy.No.80/1 which is a private Zeroity land even according to the Government authorities. Hence the title followed by possession of plaintiffs over the disputed land, shown as plaint schedule was upheld by the trial court. i. Whether the failure of appellate court to frame a specific issue regarding possession and consequential relief as resulted in a miscarriage of justice. j. Whether the judgment and decree of the appellate court is perverse. Issue notice to the respondents. <u>I.A.No.1 of 2026</u> The trial Court has decreed the suit and the appellate Court has allowed the appeal. Hence, both parties shall maintain <i>Status Quo</i> as on today. KBN TRR,J	
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