

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: S.A.No.521 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
1.	15.07.2026	<u>TRR, J</u> <u>I.A.No.1 of 2026</u> This application is filed to condone the delay of 185 days in re-presenting the appeal. For the reasons mentioned in the accompanying affidavit filed in support of this application, the delay of 185 days in re-presenting the appeal is hereby condoned. <u>S.A.No.521 of 2026</u> For the following sustainable questions of law, the Second Appeal stands Admitted: (a) Whether a suit for specific performance can be decreed on the weakness in the case of the defendant or the defendant failing to prove his case, rather than on the strength of the plaintiff's case or the plaintiff proving all the necessary ingredients of Section 16 of the Specific Relief Act? (b) Whether the findings/observations of the court below are perverse, being not based on proper appreciation of evidence or not considering the various admissions made by P.W.1 in his evidence regarding his readiness and willingness? (c) The learned Courts below committed a	

		grave and serious error in placing the burden/onus of proof on the 1st defendant to prove that he has been ready and willing to perform his part of the contract i.e., taking measurements of the property inasmuch as the initial legal burden is on the plaintiff to prove his case under Sec. 100 and 101 of the Evidence Act. (d) The learned Courts below failed to see that in Ex.A.2 when the measurements of the property sought to be sold are already mentioned, the question of taking measurements again by the defendants does not arise. The schedule shown in the plaint and the decrees of both the Courts below make the position very clear that measurements are given. Learned counsel for the appellants is permitted to takeout personal notice to respondents through India Post/Speed Post and file proof of service in the Registry. List this matter on 05.08.2026. <u>I.A.No.2 of 2026</u> There shall be interim stay as prayed for, for a period of four (04) weeks. <u>TRR,J</u> KBN	
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