

HIGH COURT OF ANDHRA PRADESH::AMARAVATI

MAIN CASE No: S.A.NO.169 OF 2022

PROCEEDINGS SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
4.	23.06.2022	<p><u>KSR,J</u></p> <p>The plaintiffs in O.S.No.13 of 2011 on the file of the Court of Junior Civil Judge, Tadipatri are the appellants herein. They filed the above suit against the respondents herein seeking partition of the suit schedule property into three equal shares and allotment of two shares to them.</p> <p>It is their specific case that the defendant No.2 is their father and defendant No.1 is none other than the sister of defendant No.2. The suit schedule property and other ancestral properties were partitioned between the defendants and other brothers and sisters. The suit schedule property fell to the share of the defendant No.2. The plaintiffs, being the daughters of defendant No.2, are entitled for 14/3rd share each. Subsequently, defendant No.2 sold the said property in favour of defendant No.1 under a registered sale deed, dated 30-08-2006, though the defendant No.2 was having only 1/3rd share in the suit schedule property. He sold the said property infavour of defendant No.1, which is not binding on the plaintiffs. The plaintiffs came to know about the factum of sale in the year 2010 only. Immediately, they got issued a legal notice dated 03-08-2010 for partition. Thereafter, the present suit was filed.</p> <p>Defendant No.1 alone contested the suit by filing a written statement. It is his contention that the plaintiffs were having knowledge of the registered sale deed in the year 2010 itself and the suit filed by the plaintiffs is barred by limitation.</p> <p>In view of the above facts and circumstances of the case and in view of the following substantial questions of law,</p> <p>“Whether the courts below are right in shifting the burden on the appellants when the 1st respondent herein asserted that the properties were sold by defendant No.2 under Ex.A-1 for family necessities of defendant No.2 without there being any averments in Ex.A-1 and without there being any proof to that extent and also ignoring Section 103 of the Indian Evidence Act,1872.</p> <p>ADMIT the Second Appeal.</p> <p><u>K.SURESH REDDY,J</u></p>	

Sl. No.	DATE	ORDER	OFFICE NOTE
		<p style="text-align: center;"><u>I.A.NO.1 OF 2022</u></p> <p>In view of the above facts and circumstances and taking into consideration of the grounds mentioned in the Memorandum of Grounds of Appeal, the respondents are directed not to create any third party interest in the suit schedule property until further orders.</p> <p>Notice.</p> <p style="text-align: right;"><u>K.SURESH REDDY,J</u></p> <p>TSNR</p>	

