

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE : S.A.No.535 of 2022

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	20.12.2022	<p><u>SRS,J</u></p> <p><u>S.A.No.535 of 2022</u></p> <p>Plaintiff in the suit filed the present second appeal against the judgment and decree dated 08.07.2022 in A.S.No.353 of 2016 on the file of the Principal District Judge, Guntur, reversing the judgment and decree dated 13.10.2016 in O.S.No.621 of 2011 on the file of the III Additional Junior Civil Judge, Guntur.</p> <p>O.S.No.621 of 2011 is filed for specific performance of contract of sale dated 02.09.1988 executed by defendant, his father and brother through GPA holder in favour of plaintiff in respect of plaint schedule property, directing the defendant to execute a regular sale deed in favour of plaintiff in respect of plaint schedule property within a stipulated period and for costs.</p> <p>The trial Court decreed the suit with costs. Aggrieved by the same, defendant preferred appeal A.S.No.353 of 2016 and the same was allowed. Hence, the present Second Appeal is filed by the plaintiff.</p> <p>Heard.</p> <p>ADMIT.</p> <p>The following substantial questions of law arise for consideration.</p> <p>1) Whether non-joinder of parties would disentitled the plaintiff to get the relief of specific performance?</p>	

		<p>2) Whether the judgment of the lower appellate Court is vitiated in coming to a conclusion in not properly appreciating the evidence on record and taking into consideration the relevant material?</p> <p>3) Whether the Courts below considered the documents filed by the plaintiff in a proper perspective?</p> <p style="text-align: right;">SRS,J</p> <p style="text-align: center;"><u>I.A.No.1 of 2022</u></p> <p>Issue notice to the respondent.</p> <p>Learned counsel for the petitioner is permitted to take out personal notice to the respondent by registered post with acknowledgment due and file proof of service in the Registry.</p> <p>List on 31.01.2023.</p> <p style="text-align: right;">SRS,J KA/BRS</p>	
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