

**HIGH COURT OF ANDHRA PRADESH : AMARAVATHI**

**MAIN CASE No: S.A.No.120 of 2023**

**PROCEEDING SHEET**

| <b>Sl. No</b> | <b>DATE</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>OFFICE NOTE</b> |
|---------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 3.            | 24.04.2023  | <p><b><u>Dr.VRKS,J</u></b></p> <p style="text-align: center;"><b><u>S.A.No.120 of 2023</u></b></p> <p>Learned counsel for the appellant is in attendance.</p> <p>This Appeal has been coming up for hearing before Admission.</p> <p>Learned counsel for the appellant submitted arguments.</p> <p>Perused the record.</p> <p>The suit was filed seeking Permanent Injunction wherein title and possession is claimed by the plaintiff on D-Form Patta, the trial Court dismissed the Suit.</p> <p>The First Appellate Court dismissed the Appeal. Therefore the present Second Appeal is preferred by the plaintiff.</p> <p>The facts do indicate:-</p> <p>Rival claims of Patta and also Patta in the name of one of the ancestors of the plaintiff are involved. Suppression of the material facts was one</p> |                    |

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|  |  | <p>of the main reasons for refusing the relief to the plaintiff by the Court below.</p> <p>However, considering the submissions of the learned counsel for the appellant following substantial question of law is formulated:-</p> <p>(a) <i>“Whether both the courts below are wrong in not giving any finding whether the Assignment Patta granted in favour of the plaintiff with reference to the suit schedule property under D.A.R.No.40/1402 dated, 06.07.2023 is true and correct? Or Whether the sub-division is true and correct and based on the the same D-Patta under D.A.R.Dis.No.12/1408, dated, 12.09.1998 is legal and proper in terms of Law of Assignment, without cancellation of Assignment made in favour of the plaintiff and without recovery of possession from the plaintiff is legal and valid under Assignment Law”? (Page-5)</i></p> <p>Admit.</p> <p>Appellant is permitted to take out the personal notice to Respondent through Registered Post and Acknowledgment Due and file proof of service in the Registry.</p> <p>List the matter after Eight (08) weeks.</p> <p style="text-align: right;"><b>Dr.VRKS,J</b></p> <p>PNS</p> |  |
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