

HIGH COURT OF ANDHRA PRADESH : AMARAVATHI

MAIN CASE No: S.A.No.183 of 2023

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
1.	20.04.2023	<u>Dr.VRKS,J</u> This Second Appeal has been coming up for hearing before admission. Heard learned counsel for the appellant claiming property under a Will plaintiff sued for permanent injunction. Defendants are natural heirs to the executant of the Will. Defendants did not choose to contest the suit. Ex-Parte proceedings were conducted by learned Trial Court and dismissed the suit. Plaintiff then preferred first appeal in which the defendants made their appearance and argued the case. First Appellate Court also dismissed the prayer. Therefore, plaintiff preferred this second appeal. Perused the entire record. The judgment of the First Appellate Court indicates consideration of several documents filed by the defendants in the Appellate Court which never became the part of the evidence and reached to the conclusions based on those documents which are never backed up by any pleadings.	

		The following substantial questions of law arises: 1. Whether the Learned First Appellate Court committed grave error in considering the material that was never part of the evidence? 2. Whether evidence on record proved execution of original of Ex.A1 Will but by a perverse reading of the evidence the First Appellate Court disbelieved the Will? 3. Whether the Judgments of the Court below are perverse in disbelieving possession over a vacant house site despite the oral evidence of five witnesses and the documentary evidence in 19 documents when there was no denial of the any of them at the trial? Admit. <u>I.A.No.1 of 2023</u> This application is to direct the respondents not to alienate the disputed properties pending disposal of this appeal. The Second Appeal is admitted on substantial questions of law. It is in these circumstances Ex-Parte directions are given to respondents not to alienate the suit disputed properties till further orders. Learned counsel for the appellant/petitioner is permitted to take out	
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		personal notices to the respondents and file proof of service in the Registry. List the matter on 11.05.2023. <u>Dr.VRKS,J</u> MSI	

