APHC010253162026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

SECOND APPEAL No. 388/2026

BETWEEN:

1. MACHAVARAM CHANDRA SEKHAR REDDY, S/O LATE PAPI REDDY, AGED ABOUT 72 YEARS, OCC. CULTIVATION, R/O. GONDIPALLE VILLAGE, PENDLIMARRI MANDAL, Y.S.R KADAPA DISTRICT.

...APPELLANT

AND

1. THE COMMISSIONER, ENDOWMENTS DEPARTMENT, GOLLAPUDI, VIJAYAWADA CITY, KRISHNA DISTRICT, ANDHRA PRADESH.
2. THE DEPUTY COMMISSIONER, ENDOWMENTS DEPARTMENT, KURNOOL CITY, KURNOOL DISTRICT, ANDHRA PRADESH
3. THE ASSISTANT COMMISSIONER, ENDOWMENTS DEPARTMENT, KADAPA CITY, YSR KADAPA DISTRICT, ANDHRA PRADESH.
4. THE EXECUTIVE OFFICER, SRI CHOWDESWARI AND GANGAMMA TEMPLES OF GONDIPALLE, ENDOWMENTS DEPARTMENT, GONDIPALLE VILLAGE, PENDLIMARRI MANDAL, C/O. FULL IN-CHARGE OF GANGAMMA TEMPLE, KOTHAPETA, CHINTHAKOMMADINNE MANDAL YSR KADAPA, ANDHRA PRADESH.

...RESPONDENT(S):

Appeal under Section 100 of C.P.C., the appellant prays that the High Court may be pleased to call for the records of the courts below and to set aside the Decree and Judgment made in A.S.No. 139 of 2024 on the file of the Court of the Additional Civil Judge (Senior

Division), Kadapa, dt.25.11.2025, confirming decree and judgment, on the file of the court of III Addl. Junior Civil Judge, Kadapa made in O.S. No. 274 of 2018, dt. 13.06.2022, by allowing the appeal, with costs and to pass such other order or orders.

Counsel for the Appellant:

1. S V MUNI REDDY

Counsel for the Respondent(S):

1. GP FOR APPEALS
2. T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)

The Court made the following:

JUDGMENT:

According to the plaint averments, the 3rd defendant conducted public auction for sale of the suit scheduled property. The plaintiff became highest bidder for an amount of Rs.2,75,000/- and on the same day the plaintiff paid 1/3rd amount i.e. Rs.92,000/- and he cordoned a receipt by Sri Chowdeswari and Gangamma Temple and later the plaintiff paid Rs.20,000/- on 20.12.1994, Rs.50,000/- on 22.07.1999 and Rs.20,000 on 29.05.2022 and Rs.20,000/- on 06.06.2003 and the total amount that was paid by the appellant/plaintiff is Rs.2,02,000/- and obtained receipt. Out of total amount of Rs.2,75,000/-, the plaintiff paid an amount of Rs.2,02,000/- on different dates, still there is a balance amount of Rs.73,000/-. The plaintiff repeatedly approached the 4th defendant to receive the balance amount and to execute the sale deed to an extent of Ac. 6.21cents, in Sy.No.575 of Chimalapenta village fields, Chittor District, but in vain. Subsequently, on the advice of the elders, the plaintiff addressed a letter dated 13.03.2017 to the 3rd defendant, expressing his readiness to pay balance amount and requested to executed the sale deed. On 16.11.2017, the plaintiff got issued legal notice to the defendants expressing his willingness to pay balance amount and requested to execute register sale deed.

2. It is further averred that by issuing notice dated 16.11.2017, the plaintiff has complied with Section 80 of CPC and the defendants fail to give reply to the notice dated 16.11.2017. Therefore, the suit is filed to direct the defendants to execute register sale deed in favour of the appellant /plaintiff, if defendants failed to register the sale deed, the Court may register the same in favour of the appellant/plaintiff and for suit costs.

3. The defendants have filed their written statement and admitted that the plaintiff paid 1/3rd of the bid amount and participated in the auction and became the highest bidder. According to condition No.7 of the Auction Rules, if one fails to comply with the condition, the 1/3rd amount that deposited will be credited to the account of temple concerned and if any loss occurred in the said auction, the said loss can be collected from the highest bidder concerned. Rs.92,000/- under receipt and the rest of the 2/3rd of the auction amount has to pay within 15 days after receipt of approval or confirmation orders from the Commissioner Endowment and get the register sale deed. The appellant/plaintiff has received notices B-5 vide dated 09.02.1995 and B-6 vide dated 04.04.2008 from the respondents, who issued the sale confirmation order dated 02.08.1994, following their subsequent notification. The plaintiff/appellant has not deposited the amount, despite receiving the notices, which infringes on condition No.7 of the

auction rules. The respondents/defendants contend that the physical possession cannot be given until registration is completed and the appellant/plaintiff pays the entire sale amount. For the duration of 24 years, the plaintiff highhandedly occupied suit scheduled property. The plaintiff does not have the right to receive any relief.

4. On the basis of the averments made in the plaint, and defence taken by the respondent/defendants, the trial Court has framed the following issues:

Whether the Court has jurisdiction to entertain the suit?

Whether the plaintiff is entitled specific performance of sale dated 18.04.1994 as prayed for?

5. After considering the evidence of both oral and documentary and after considering the arguments of both sides, learned trial judge held that the plaintiff is not entitled for specific performance of sale dated 18.04.1994 on the ground that the plaintiff has not complied with the condition No.7 of the Auction Rules, has not deposited 2/3rd amount within 15 days from the date of sale confirmed 02.08.1994. However, the trial Court has answered that the suit is maintainable. The trial Court has observed in the judgment that the plaintiff admitted that the defendants did not deliver the possession of the land to him in writing.

6. Aggrieved by the judgment and decree dated 13.06.2022, the appellant/plaintiff herein filed appeal under Order 41 Rule 1 of C.P.C., vide A.S. No.139 of 2024 on the file of the Court of Additional Civil Judge (Senior Division) Kadapa.

7. The appellate Court dismissed the appeal filed by the appellant/plaintiff with the following observation:

> "On careful perusal of the judgment passed by the learned trial Court, it has meticulously answered with respect to the maintainability of the suits in pursuance of Section 87 of the Endowments Act r/w Section 151 of AP Charitable and AP Endowments and Charitable Institutions Act as well as the Section 9 of the CPC and it needs no interference of this Court. In addition to that, when it comes to the other points or other issues which were answered under issue number 2 and issue number 3 is also very much clear and also the chronological sequence of events with respect to the conducting auction as well as the depositing of amounts and also depositing of other amounts under Ex.A2 to Ex.A5 as well as the correspondence under Ex.A7 to Ex.A13 is also clearly explained and with reference to Ex.B1 to Ex.B6 and their evidentiary value was taken into consideration equally and therefore the judgment passed by the trial court suffers with no infirmity. Furthermore, the other aspect of limitation had already been answered and even otherwise if the limitation starts from when the right to sue accrues and as per the contention of the plaintiff it is when he had got issued legal notice way back in the year 2017 and in

pursuance of Ex.B3, Ex.B4, Ex.B5 and Ex.B6 it is already put to the notice of this plaintiff with respect to the permission from endowments department which was already allotted and thereby the plaintiff ought to have performed his part of contract to prove his bonafides and keeping calm since 2003 and coming up with legal notice and waking up in the year 2017 and asking these defendants to execute a regular sale deed is totally devoid of merits and it cannot be explained satisfactorily witha sufficient cause for the delay on the part of the plaintiff himself and what made the plaintiff to keep to maintain calmness till 2003 when he had already paid major amount of Rs.2,02,000/- and there was only a balance sale consideration of Rs.73,000/- along with interest as called for by as per the conditions under the bid or auction conducted in the year 1994. Henceforth, the plaintiff being silent with respect to those aspects and simply he says that he was unaware and no notice was served to him but not knocking the doors of justice or not making any effort on his own and to prove that he himself was ever ready and willing to perform his part of contract on his own could not be established by the plaintiff himself and henceforth in the light of above discussion and the judgment which was already rendered by the trial court in the present case on hand holds good and it suffers with no infirmity or irregularity and henceforth this court is of the opinion that the appeal preferred by the plaintiff / appellant is devoid of merits and stands dismissed. Accordingly, the point is answered."

8. Both the trial and the lower appellate Courts have given finding that the plaintiff/appellant is not entitled for the relief claimed in the suit.

9. Whether the judgments of the Courts below are erroneous, perverse, illegal and suffer from procedural illegality?

10. Whether the judgment of the lower appellate Court is contrary to Order XLI Rule 31 of C.P.C.?

11. According Order XLI Rule 31 of C.P.C**.** The judgment of the Appellate Court shall be in writing and shall state-

(a) the points for determination;
(b) the decision thereon;
(c) the reasons for the decision; and
(d) where the decree appealed from is reversed or varied, the relief to which the appellant is entitled, and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

12. It is a settled principle of law that a right to file First Appeal against decree under Section 96 of Code of Civil Procedure is a valuable legal right of litigant. Jurisdiction of the First Appellate Court while hearing First Appeal is very wide like that of trial Court and it is open to Appellant to attack all findings of fact or/and of law in First Appeal. It has been consistently held by this Court that the First Appellate Court should raise points for determination and state reasons for decreeing the suit in appreciation of evidence, dealing

with various issues arising in case and discussing arguments raised by parties in support of their case. The provision of Order 41 Rule 31 of CPC is mandatory and failure to follow mandatory provisions would render judgment defective. [See the judgment of The Apex Court in the case of ***C.Venkata swamy Vs. H.N.Shivanna (dead) by legal representatives and another*** reported in (2018) 1 SCC 604] as follows:

> Learned counsel for the respondents/defendants draws the attention of this Court to the judgment of the Appellate Court. Upon perusal of the judgment of the Lower Appellate Court it is evident that the Court framed several issues, including an additional point concerning the limitation period under Article 129 of the Limitation Act and rendered goes judgment in accordance with law. Consequently, the judgment of the Lower Appellate Court is sound and legally sustainable.

13. The Hon'ble Apex Court in the case of Damodar ***Lal Vs. Sohan Devi*** (2016) 3 SCC 78, referring to ***Kulwant Kaur Vs. Gurdial Singh Mann*** (2001) 4 SCC 262, ***Gurvachan Kaur Vs. Salikram*** (2010) 15 SCC 530 and ***S.R. Tewari Vs. Union of India*** (2013) 6 SCC 602 held, (a) that the First Appellate Court under Section 96 CPC is the last Court of facts; (b) the High Court in Second Appeal under Section 100 CPC cannot interfere with findings of fact recorded by the First Appellate Court under Section 96 CPC; (c) the findings of fact of First Appellate Court can be challenged in Second Appeal on the ground

that the said findings are based on no evidence or are perverse; (d) even if the finding of fact is wrong, that by itself will not constitute a question of law; the wrong finding should stem out of a complete misreading of evidence or it should be based only on conjunctures and surmises; (e) if to a reasonable man, the conclusion on the facts in evidence made by the Courts below is possible, there is no perversity; (f) inadequacy of evidence or a different reading of evidence is not perversity; (g) Code of Civil Procedure (Amendment) Act, 1976 introduced a definite restriction on the exercise of jurisdiction in a Second Appeal; (h) where it is found that findings stand vitiated on wrong test and on the basis of assumptions and conjunctures and resultantly there is an element of perversity involved therein, will the High Court be within its jurisdiction to deal with the issue; this is however only in the event such a fact is brought to light explicitly; (i) the findings of fact recorded by Court can be held to be perverse if the findings have been arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant / inadmissible material or if the findings is against the weight of evidence or if the finding so outrageously defies logic as to suffer from vice of irrationality; (j) however if there is some evidence on record which is acceptable and which could be relied upon, the conclusion

would not be treated as perverse and the findings will not be interfered with.

14. As seen from the substantial question of law, the same did not fall under the observation of the Hon'ble Apex Court in the case of **Damodar *Lal Vs. Sohan Devi*** (referred supra). The plaintiff contravened Condition No. 7 of the Auction Rules by failing to pay the balance sale consideration as stipulated therein. Therefore, this Court has not seen any merit in the Second Appeal.

15. Accordingly, the Second Appeal is dismissed. No order as to costs.

As a sequel, interlocutory applications, if any, pending in this Second Appeal shall stand

JUSTICE TARLADA RAJASEKHAR RAO

Date: 06.11.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

S.A.No. 388 OF 2026

Date: 06.11.2026

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