

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

SECOND APPEAL No.320 of 2014

JUDGMENT:-

This Second Appeal under Section 100 of the Code of Civil Procedure is filed by the appellant/unsuccessful defendant assailing the decree and judgment dated 20.02.2014 in A.S.No.371 of 2011 passed by the learned III Additional Chief Judge, City Civil Court, Hyderabad whereby, the learned Additional Chief Judge, while dismissing the said appeal, had confirmed the decree and judgment dated 29.08.2011 passed by the learned V Junior Civil Judge, City Civil Court, Hyderabad in O.S.No.3688 of 2010 filed for eviction of the appellant/defendant from the suit schedule premises bearing plot no.18 (old) 70, new no.8-3-222/F/18-B/70, Madhura Nagar, Yellareddyguda, Hyderabad, morefully described in the schedule annexed to the plaint.

2. I have heard the submissions of the learned counsel for both the sides. I have perused the material record.

3. There is no dispute about the landlord and tenant relationship between the plaintiff and the defendant and there is also no dispute with regard to the quantum of rent. It is also not in dispute that the tenancy is governed by the provisions of the Transfer of Property Act, 1882. The plaintiff, having issued a statutory notice under Section 106 of the Transfer of Property Act, 1882, under the original of exhibit A1, had instituted the suit for eviction of the defendant who had failed to comply with the demand in the said quit notice. The defendant had resisted the suit on various grounds including the validity of the quit notice.

4. At trial, the plaintiff was examined as PW1 and exhibits A1 to A4 were marked on his side. The defendant was examined as DW1 and exhibits B1

to B8 were marked on his side.

5. On merits, the trial Court had upheld the validity of the quit notice and had decreed the suit for eviction and directed the defendant to vacate and handover the vacant possession of the suit schedule premises to the plaintiff within two months time. The first appeal filed by the defendant before the Court below was dismissed confirming the decree and judgment of the trial Court.

6. In this appeal, the defendant, while contending that the validity or otherwise of the quit notice was not properly appreciated by the Courts below had *inter alia* urged in ground no.4 of the substantial questions of law that the children of the defendant are college students and that, therefore, their academic years would come to an end by 2014 and that, therefore, sufficient time may be granted for vacating the suit schedule premises. A careful perusal of the material record would show that both the Courts, having had properly appreciated the facts and the evidence upheld the validity of the quit notice.

7. Having carefully perused the pleadings and the evidence on record, which was discussed in detail by the Courts below, this Court is satisfied that no questions of law, much less substantial questions of law, are involved in this second appeal, as concurrent findings of facts are recorded in regard to the validity of the quit notice and the said findings do not call for interference on any ground.

8. In the result, the second appeal is dismissed, however, granting to the defendant six (06) months time from today to vacate and handover the vacant possession of the suit schedule premises to the plaintiff. It is made clear that the defendant shall continue to pay the rents till he vacates the suit schedule premises. The defendant shall accordingly file, within two weeks from the date of the receipt of a copy of this judgment, an undertaking

affidavit before the Registry under taking not to seek extension of time and that he would continue to pay the admitted rents regularly till he vacates and hands over the possession of the suit schedule premises to the plaintiff. It is also made clear that no further extension of time would be granted. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall stand closed.

M. Seetharama Murti, J

23rd June, 2015

Note:- Issue CC by 20-07-2015

(B/o)

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