

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

SECOND APPEAL NO.757 OF 2015

DATED 13TH NOVEMBER, 2015

Between:

Geddam Chandrasekhara Rao .. Appellant

and

Palaka Mallikharjuna Rao .. Respondent

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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SECOND APPEAL NO.757 OF 2015

J U D G M E N T

This Second Appeal arises out of the concurring judgment dated 19.08.2015 passed by the learned II Additional District Judge, West Godavari, in A.S.No.97 of 2014 confirming the judgment and decree dated 11.08.2014 of the learned First Additional Junior Civil Judge, Eluru, in O.S.No.209 of 2012.

The said suit was filed by the respondent herein seeking eviction of the

appellant herein from the suit schedule property. The trial Court decreed the suit with costs directing the appellant herein to vacate the suit schedule property within two months from the date of the judgment and pay arrears of rentals at the rate of Rs.3,600/- per month by deducting the sum of Rs.2,600/- which was already paid. Damages were also directed to be paid at the rate of Rs.3,600/- per month from the date of filing of the suit till vacating of the premises.

The appellate Court while confirming the trial Court's judgment granted time up till 31.10.2015 for vacating the suit schedule property.

Having argued for some time, Sri V. Subrahmanyam, learned counsel for the appellant, conceded that his client would vacate the suit schedule property if he is given reasonable time to do so. On the suggestion made by this Court, the appellant filed affidavit dated 12.11.2015 in the Second Appeal undertaking that he would vacate the suit schedule property within four months from the date of the order passed by this Court.

Sri T.N.M. Ranga Rao, learned counsel for the respondent, pointed out that the appellant is yet to pay rental arrears and damages due in terms of the decrees passed by the Courts below.

The amount due shall be paid by the appellant in two instalments. The first instalment, being 50% of the total amount due, shall be paid within one month from today and the balance 50% amount shall be paid within one month thereafter. The appellant shall vacate the suit schedule property within four months from today as duly undertaken by him. This undertaking is taken on record and shall be binding upon the appellant.

The Second Appeal is disposed of accordingly. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

13th NOVEMBER, 2015

Note: Issue C.C. today.

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