

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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S.A.NO.514 OF 2015

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JUDGMENT

Heard both the counsel at the stage of admission.

2. The unsuccessful tenant before both the courts below is the appellant herein. The respondents herein are the landlords of the petition schedule property and they sought eviction of the tenant on the ground of committing default in payment of rents. Prior to the filing of the suit, they issued quit notice under Section 106 of Transfer of Property Act. As the tenant failed to vacate, the respondents filed suit for eviction, arrears of rent and for future damages. The tenant denied the averments. There is no denial with regard to ownership. Both the courts below, considering the quit notice marked under Ex.A-1 and the evidence of P.W.1, which remained un-rebutted and as no evidence, either oral or documentary was lead on behalf of the defendant, concurrently recorded finding of fact that the tenant committed default in payment of rents and directed to vacate the suit premises and to pay arrears in a sum of Rs.39,600/- from September, 2008 till termination of tenancy in August, 2011. As no evidence was lead by the plaintiff for future damages, gave liberty to file separate application for ascertaining the quantum of damages. These being findings of fact, in the absence of any contra evidence, cannot be interfered with in the second appeal. As I do not find any question of law much less substantial, in the memorandum of grounds of second appeal, for interference of this court under Section 100 CPC., the second appeal is liable to be dismissed.

3. At this stage, the learned counsel for the appellant submitted that the appellant may be granted some reasonable time for vacating the suit premises.

4. For the foregoing reasons, the second appeal is dismissed.

5. The appellant is granted four months from the date of receipt of a copy of this order for vacating the suit premises, subject to payment of entire arrears of rent within a period of four weeks from today and shall continue to

pay the rent and other charges, to the respondents for the period now granted in this order, by the 10th of every month. The appellant shall also file an affidavit before the trial court, undertaking to vacate the suit premises within the period granted by this court. In case of any default, the period now granted shall stand revoked and the execution shall go on.

6. No order as to costs.

7. Miscellaneous petitions pending if any, shall stand closed.

AVS

07—08—2015