
Between:

G.Ramu

... Petitioner

And

Toufiq Ali Mirza

... Respondent

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1. Whether Reporters of Local newspapers may be allowed to see the Judgments? :
2. Whether the copies of judgment may be marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgement? :

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ORDER:

This appeal has been filed against the order dated 16.12.2015 passed in A.S. No.399 of 2013 by the IX Additional Chief Judge,
City Civil Court, Hyderabad.

The appellant and the respondent herein are the defendant and the plaintiff respectively.

Initially, the plaintiff filed O.S. No.1595 of 2010 seeking eviction of the defendant and the Court below vide its judgment dated 29.10.2013 partly decreed the suit by directing the defendant to evict the suit schedule property, within two months, from the date of the order and deliver vacant possession thereof to the plaintiff failing which, the plaintiff was given liberty to seek recovery of the possession of the suit schedule property through process of law. Aggrieved by the same, the defendant filed an appeal in A.S. No.399 of 2013 before the IX Additional Chief Judge, City Civil Court, Hyderabad and the appeal was partly allowed while directing the defendant to vacate the premises in question, within two months, from the date of the order and to deliver the vacant possession to the plaintiff. Assailing the same, the defendant filed the present appeal.

This Court on 26.02.2016 while ordering notice before admission passed the following order.

“The unsuccessful tenant before both the courts below in a suit for eviction and arrears of rent, is the petitioner/appellant herein.

The learned counsel for the petitioner contended that the trial court has no jurisdiction to entertain the suit and without properly appreciating this issue, the suit was decreed and the same was confirmed by the lower appellate court. In these circumstances, he sought to grant stay of eviction.

From the material on record, it could be seen that both the courts below by cogent and convincing reasons decreed the suit and directed the petitioner/appellant to vacate the suit premises and prima facie I do not find any reason to interfere with the concurrent findings of fact recorded by both the courts below.

However considering the facts and circumstances and as the petitioner is running business in the suit premises, the learned counsel for the petitioner is granted two weeks time to get instructions as to the time required for the petitioner/appellant for vacating the suit premises.

Status quo existing as on today with regard to possession over the suit schedule property shall be maintained for a period of three weeks from today.

Post after two weeks."

From the above, it is clear that after hearing the learned counsel for the appellant/defendant this Court categorically found that both the Courts below by cogent and convincing reasons decreed the suit and directed the appellant/defendant to vacate the suit premises and therefore, was not inclined to interfere with the concurrent findings of fact recorded by both the Courts below and granted some time to the learned counsel for the appellant/defendant to get instructions from his client as to what is the time he is required to vacate the premises in question.

Further, on 17.03.2016 when the matter was taken up to report instructions with regard to time required by the appellant/defendant for vacating the premises in question, the learned counsel appearing on his behalf sought time.

Today, when the matter has been taken up for reporting instruction, the learned counsel for the appellant/defendant submitted that by the end of this year he will vacate the premises in question.

Since the learned counsel for the appellant/defendant/tenant has given undertaking that the appellant would vacate the premises in question by the end of this year, he shall vacate the premises in question by 31st December, 2016 and to that effect, the appellant/defendant shall file an affidavit before the Court below, within two weeks, from the date of receipt of a copy of this order. All these are subject to payment of rents regularly to the landlord/plaintiff, on or before 10th of every month.

Accordingly, with the above, this appeal is disposed of.

As a sequel, miscellaneous petitions, if any, stands closed.
There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 06.04.2016
LSK