

**HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**SECOND APPEAL No.145 of 2016**

**JUDGMENT:**

This Court on 19.02.2016 while hearing S.A.M.P.No.416 of 2016 in S.A.No.145 of 2016 concluded as follows:

*“ A perusal of the material on record and the impugned judgments would disclose that on appreciation of the entire evidence on record and the notice issued under Section 106 of Transfer of Property Act, the Courts below concurrently recording findings of fact, directed the petitioner to vacate the suit premises. Prima facie, I do not find any reason to interfere with the impugned Judgments of the Courts below.*

*However, considering the facts and circumstances, the learned counsel for 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”.*

2. After passing the said Order Dt. 19.02.2016, the matter went on several adjournments. On 22-08-2016, none represented for the Appellant, this Court directed the Registry to list the matter under the caption 'for dismissal' on 23.08.2016.

3. On 23.08.2016, learned counsel for appellant, without informing the Order dt. 19.02.2016 in SAMP No.416 of 2016 by the Hon'ble Sri Justice G. Chandraiah, to this Court, advanced argument, without informing about the instructions which he obtained from his client as to the time required for vacating the premises.

4. When the counsel for respondent drawn the attention of this Court to the Order dt. 19.02.2016, the counsel for appellant sought time till today.

5. Today, the counsel for Appellant present and informed, on instructions, that three months time is required to vacate the premises by the appellant.

6. Taking into consideration the conclusions arrived by this Court on 19.02.2016, there are no substantial questions of law to be decided in this appeal while exercising power under Section 100 of CPC. Since the Judge of this Court had already recorded a finding, I cannot record any findings contrary to the findings recorded by the other judge since it amounts to reviewing the Order. Therefore, I am not inclined to interfere with the findings recorded by this Court on 19.02.2016 and hence, it is liable to be dismissed.

7. However, taking into consideration of the nature of the case, three (3) months time is granted to the appellant/tenant to vacate the premises subject to payment of arrears at the rate of Rs.4,430/- per month from the date of suit till the date of this Judgment, within one month from today and further directed to pay Rs.4,430/- per month on or before 5<sup>th</sup> of every month till eviction. In the event of failure to comply with any of the aforesaid directions, the respondents/landlords are at liberty to execute the decree.

8. With the above observation, the second appeal is dismissed, in view of the Order dated 19.02.2016, confirming the findings recorded by the trial Court in O.S.No.2648 of 2011 on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad, confirmed by the Appellate Court in A.S.No.372 of 2013 on the file of X Additional Chief Judge, City Civil Court, Hyderabad.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

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**M. SATYANARAYANA MURTHY, J**

Date: 26-08-2016.

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**SA No. 145 of 2016**

Dt. 26-08-2016

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