

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

C.C.C.A.No. 173 of 2015

JUDGMENT:

The defendants are the appellants. The 1st appellant is representing the 2nd appellant, M/s. Turbo Aviation Pvt.Ltd., as its Managing Director. The respondents 1 and 2 are the plaintiffs and they are no other than the husband and wife. Undisputedly, the plaint schedule property belongs to the respondents/plaintiffs. The suit in O.S.No.225 of 2011 was filed on the file of the XXVII Additional Chief Judge, City Civil Court, Secunderabad, for eviction of the appellants/defendants as tenants. The trial Court decreed the suit in part for eviction of the defendants from the plaint schedule property (plaint A, B and C schedules described in the decree) and for payment of arrears of rent of Rs.8,71,500/- as on the date of suit and for mesne profits at such rates to be arrived at on a separate application and by giving three months' time to vacate the suit schedule property and hand over the possession of the same to the plaintiffs, by decree and judgment dated 29.06.2005. It is impugning the said decree and judgment from several contentions including what all the amounts made to the property with consent or with information that is entitled to be reimbursed not taken into consideration by the trial Court and there is no valid notice to evict the defendants and terminate the tenancy and the decree and judgment of the trial Court is not correct, present appeal is filed.

Pending the appeal, interim stay of eviction and execution of decree sought that is not so far granted. It is in the course of hearing the appeal, but dispose of the main appeal with the consensus arrived at by both the parties submitted across the Bench after deliberations with respective parties to settle amicably so that the tenants shall continue for two years from 01.01.2016 to be ended by 31.12.2017 to vacate on 01.01.2018 and in the meantime to pay the arrears as

decreed by the trial Court of Rs.8,71,500/- less Rs.3,00,000/- as concession of what the tenants claimed and to pay the balance of Rs.5,71,500/- within four weeks from today, failing which to recover the said amount with interest thereon from today at 9% per annum by filing an execution petition. The appellants undisputedly paid towards use and occupation subsequent to the date of the trial Court's decree and judgment with effect from 01.07.2015 till 31.12.2015. It is agreed by both sides that the amounts paid for the said six months up to date at Rs.58,100/- per month and but for what is the amount decreed in the suit there is nothing due.

The future use and occupation charges payable from 01.01.2016 till vacating the premises on 01.01.2018 for the two years is concerned agreed to pay and receive at Rs.85,000/- for every month and payable by 5th of the succeeding month.

With the above terms, the appeal is disposed of by enabling the decree holders for any non-payment of the above amounts as and when due with interest at 9% p.a. apart from which after 01.01.2018 in the event of failure to vacate the premises to file execution application and enforce the decree without any further need of filing any fresh suit, but for any of the arrears to recover so far as the eviction is concerned. There is no order as to costs.

Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

7th January, 2016
cbs

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