

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

SECOND APPEAL No.874 of 2016

JUDGMENT:

The Second Appeal came for admission on involvement of any substantial questions of law or not to decide, that is maintained by the tenant, a proprietary entity, running sweet shop in the premises belong to plaintiff/respondent. Undisputedly, the landlord maintained a suit for eviction in O.S.No.76 of 2012 on the file of III Senior Civil Judge, City Civil Court, Secunderabad, and on the contest the same was ended in decree on 21.11.2014 and the tenant went unsuccessful in A.S.No.15 of 2015 vide concurrent confirmation judgment dated 27.09.2016 and impugning the same, the second appeal is maintained. Practically there is no substantial questions of law involved to admit the appeal.

In fact, in the course of hearing both sides before admission and from the presence of tenant and husband of the landlord-Smt. Rani Kurian by name Kranthi Kumar, an understanding arrived to confirm the eviction order and grant one year time from today to the tenant to vacate on or before 15.11.2017 by payment of amount for the use and occupation at Rs.15,000/- per month without prejudice to the contest both sides in the application for determination of the future damages. Accordingly same is recorded and it is made clear that if the tenant failed to vacate on or before 15.11.2017 midnight, the landlord can execute the decree passed by the trial Court confirmed by the lower appellate Court and also by this Court in dismissing the second appeal before admission by recording the factum of time for vacating granted till 15.11.2017.

Accordingly and in the result and subject to the granting of time to the tenant to vacate on or before 15.11.2017, the second appeal is disposed of before admission.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 16.11.2016
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