

HON'BLE SRI JUSTICE R. SUBHASH REDDY

SECOND APPEAL No.755 of 2015

JUDGMENT :

This Second Appeal is filed by the defendant in the suit in O.S.No.595 of 2012 on the file of XI-Junior Civil Judge, City Civil Court, Secunderabad, aggrieved by the judgment and decree dated 11.12.2013, as confirmed by the appellate Court i.e. I-Additional Chief Judge, City Civil Court, Secunderabad, vide judgment dated 11.08.2015, in A.S.No.18 of 2014.

Plaintiff is the owner of shop bearing No.3-6-20/15, situated at Boosareddyguda, West Marredpally, Secunderabad. Defendant was tenant in the said shop by paying rent of Rs.5,010/-. After terminating the tenancy by issuing notice under Section 106 of the Transfer of Property Act, pleading that possession of defendant subsequent to 30.09.2012 is illegal, suit is filed for eviction and for recovery of mesne profits. The suit was contested by the defendant by mainly contending that initially the premises was obtained on a rent of Rs.125/- per month in the year 1975 and it was increased from time to time and it is pleaded that now the rent is Rs.6,685/- w.e.f. 01.11.2012. It is pleaded that in view of enhancement of rent, it is not open for the plaintiff to terminate the tenancy.

Before the trial Court, plaintiff was examined as PW-1 and marked Exs.A-1 to A-3. No oral evidence was adduced on behalf of defendant, but documentary evidence was filed in Exs.B-1 to B-6. The trial Court, by judgment and decree dated 11.12.2013, ordered eviction by granting liberty to the plaintiff to file a petition for determination of mesne profits. Such judgment and decree was questioned before the appellate Court. Even the appellate

Court has dismissed the appeal by judgment dated 11.08.2015.

When the matter is called for hearing, it is represented by the learned counsel appearing for appellant that the subject matter of this appeal is covered to be dismissed in view of the judgment of this Court dated 04.11.2015, in S.A.No.748 of 2015. He further prayed for grant of one year time to vacate the premises.

Having regard to the findings recorded by the trial Court as well as the appellate Court, this Court is of the view that there is no substantial question of law within the meaning of Section 100 C.P.C., so as to interfere with the decree of eviction. Any how, as it is pleaded that the appellant/defendant is doing business in the premises for a long time, I deem it appropriate to grant six months time to the appellant for vacating the premises subject to filing an undertaking before the Registry of this Court within a period of two weeks from the date of receipt of this judgment by serving a copy on other side, undertaking to vacate the premises within six months from today. Further, the appellant/defendant shall not sub-lease or induct any third party into possession of the premises in question. It is also made clear that if no such undertaking is filed within the time stipulated by serving a copy on other side, it is open for the respondent to execute the decree of eviction.

Subject to the above directions, the appeal is dismissed.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

22nd January 2016
SUBHASH REDDY, J
ajr

R.