

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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S.A. No. 534 of 2016

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DATE: 22.08.2016

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Between:

Nannapaneni Srinivasa Rao

.. Appellant

And

Bhavanasi Venkateswarlu

.. Respondent

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JUDGMENT:-

This Second Appeal is directed against the judgment and decree dated 15.03.2016 made in A.S.No. 93 of 2012 on the file of the Court of XIII Additional District Judge, Narasaraopet, Guntur District.

The brief facts of the case are that the plaintiff filed O.S.No.21 of 2009 seeking eviction of the defendant from the plaint schedule property and other consequential reliefs. The Principal Junior Civil Judge, Chilakaluripet, after considering the evidence on record both oral and documentary, vide judgment dated 29.10.2012, decreed the suit directing the defendant to vacate the plaint schedule property and deliver vacant possession of the same to the plaintiff within three months from the date of the judgment and decree, failing which, the plaintiff is entitled to take delivery of possession according to law. The defendant was also directed to pay damages of Rs.37,500/- out of the amount deposited by him in the Court. Challenging the judgment of the trial Court, the defendant instituted A.S.No.93 of 2012, and XIII Additional District Judge, Narasaraopet, vide judgment dated

15.03.2016, dismissed the appeal confirming the judgment and decree made in O.S.No. 21 of 2009 and directed the defendant to vacate the plaint schedule property within two months from the date of the judgment and hand over vacant possession of the same to the plaintiff, failing which, the plaintiff is entitled to the delivery of the schedule property by following due process of law and that the plaintiff is entitled to damages during pendency of the suit. Being aggrieved by the judgment of the lower appellate Court, the present Second Appeal is preferred.

Sri N.V.Anantha Krishna, learned counsel for the appellant, has prayed that six months' time may be granted so as to enable the appellant-defendant to vacate the plaint schedule property in question.

Sri Karri Murali Krishna, learned counsel for the respondent, has opposed the submission made by the learned counsel for the appellant.

However, keeping in view the submission made by the learned counsel for the appellant, this Court feels that interest of justice would be met if the appellant is granted four months' time for vacating the schedule premises.

Accordingly, the Second Appeal is disposed of directing the appellant to vacate the plaint schedule property and deliver vacant possession of the same to the plaintiff within a period of four months from today, failing which, the respondent is at liberty to take action against

the appellant in accordance with law. No order as to costs.

As a sequel to the disposal of the Second Appeal, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

22.08.2016

bcj