

THE HON'BLE SRI JUSTICE S.V.BHATT

SECOND APPEAL No.423 of 2016

JUDGMENT:

Heard Mr. M. Mehdi Hussain for appellant and
Mr. K. Viswanatham for respondent.

2. The defendant in O.S.No.15 of 2013 is the appellant.

The second appeal is directed against the judgment and decree dated 15.02.2016 in A.S.No.15 of 2015 in the Court of IV Additional District Judge, Kurnool.

3. The admitted and undisputed fact recorded by the Courts below is that the plaint schedule property originally belonged to one Kulusumbi and the respondent claimed right and title through Ex.A1 sale deed dated 30.11.2007 executed by the said Kulusumbi.

With the assistance of both the counsel appearing for parties, the findings of fact recorded are perused. *Prima facie*, the findings of fact, it is to be held, are recorded on the evidence available on record and the appellant failed to place any material in support of her case or in opposition to the case pleaded by respondent. The findings of fact do not warrant interference under Section 100 of the Code of Civil Procedure. No substantial question of law is made out.

4. Mr. M. Mehdi Hussain, by placing on record memo dated 13.08.2016 signed by party, having regard to peculiar facts and circumstances, requests one year time to vacate and hand over possession of plaint schedule property to respondent. The memo vide USR.No.5536 dated 13.08.2016 is filed and the same is taken on record. Counsel for respondent does not oppose the request for granting time to appellant as prayed through the instant memo.

5. Keeping in mind the request made through the instant memo, the appellant is granted time till 31.05.2017 to vacate the plaint schedule property and hand over to respondent. The appellant is directed to deliver vacant possession to respondent on or before 31.05.2017.

The second appeal is dismissed by granting time as stated above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

August 16, 2016
DSK