

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

SECOND APPEAL NO.159 OF 2016

DATED:26-02-2016

Between:

Thota Nageswara Rao ... Appellant

And

Gangireddy Ramachandra Reddy ... Respondent

COUNSEL FOR THE APPELLANT: Mr. Naram Nageswara Rao

COUNSEL FOR THE RESPONDENT: Mr. Yeka Balasubrahmanyam

THE COURT MADE THE FOLLOWING:

JUDGMENT:

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This second appeal arises out of judgment and decree dt.02.11.2015 in A.S. No.126 of 2014 on the file of the XI Additional District and Sessions Judge, Tenali, whereby he has confirmed the judgment and decree dt.02.11.2012 in O.S. No.57 of 2011, on the file of the Principal Junior Civil Judge, Tenali.

I have heard Mr. Naram Nageswara Rao, learned counsel for the appellant, and Mr. Yeka Balasubrahmanyam, learned counsel for the respondent.

The respondent filed the above mentioned suit for eviction of the appellant from the suit schedule property. He has pleaded that he has purchased the demised premises from its original owners under Ex.A.1, registered sale deed, dt.29.09.2010 for a valuable consideration and that immediately thereafter on 08.12.2010 he has issued Ex.A.2 quit notice which was acknowledged by the appellant under Ex.A.3. It is the further case of the respondent that under Ex.A.4 notice dt.20.10.2010, his vendors have informed the appellant that they have sold out the schedule property to the respondent on 29.09.2010, through a registered document and they have required the appellant to meet the respondent, either for continuation of the lease or for its termination. This notice was acknowledged by the appellant under Ex.A.5, dt.21.10.2010. As the appellant failed to vacate the suit schedule premises, the respondent has filed the above mentioned suit for eviction.

The appellant has filed a written statement denying the claim of the respondent that he is the landlord. Accordingly he has disputed the jural relationship between himself and the respondent, as tenant and landlord.

Having regard to the respective pleadings of the parties, the trial Court has framed the following issues.

1. *“Whether the plaintiff is entitled to recover the possession of Item No.2 of the suit schedule as prayed for?*
2. *Whether the plaintiff is entitled to present and future damages as prayed for?*
3. *To what relief?”*

In support of his case, the respondent has examined himself as P.W.1 and marked Exs.A.1 to A.7, and the appellant has examined himself as D.W.1, but has not adduced any documentary evidence.

On appreciation of the oral and documentary evidence, the trial Court has decreed the suit and the same has been confirmed in A.S. No.126 of 2014 by the lower appellate Court.

From the perusal of the record, it is clearly evident that the respondent has stepped into the shoes of his vendors under Ex.A.1, dt.29.09.2010 and as soon as the suit schedule property was purchased, he has caused a quit notice dt.08.12.2010 issued under Ex.A.3, acknowledgement. Even the vendors of the respondent also issued Ex.A.4 notice on 20.10.2010, which was acknowledged by the appellant vide Ex.A.5. Admittedly the appellant has failed to respond to either of the two notices issued by the respondent and his vendors having acknowledged both these notices. The trial Court has relied upon the depositions made by the appellant in O.S. No.381 of 2010 marked as Exs.A.6 and A.7 wherein he has categorically admitted that defendant Nos.1 and 2 therein are the original landlords, that they have got issued a legal notice informing the appellant about the transaction between them and the respondent and that subsequently the appellant has also paid the rents to the respondent herein. The trial Court as well as the lower appellate Court relied upon this documentary evidence, besides the oral evidence adduced by both the parties, and found that the respondent has stepped into the shoes of the original landlords and therefore jural relationship of landlord and tenant between the respondent and the appellant exists. Since the

appellant has failed to vacate the premises despite the quit notice received from the respondent, the trial Court has granted decree for eviction of the appellant. In the above facts and circumstances of the case, I do not find any ground to interfere with the well-considered judgments of both the Courts below. Hence, the second appeal is dismissed.

As a sequel to dismissal of the second appeal, S.A.M.P. No.431 of 2016 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

26-02-2016

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