

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

SECOND APPEAL No.46 OF 2015

JUDGMENT:

This Second Appeal, under Section 100 C.P.C., is filed by the defendant aggrieved by the concurrent findings recorded by both the trial Court and the appellate Court in O.S.No.2244 of 2009 on the file of the III Junior Civil Judge, City Civil Court at Hyderabad and A.S.No.270 of 2013 on the file of the Chief Judge, City Civil Court at Hyderabad ordering eviction of the appellant/defendant from the suit schedule property.

2. Both the trial Court and the appellate Court recorded a specific concurrent finding that there was a relationship of landlord and tenant and accepted termination of tenancy by issuing notice under Section 106 of the Transfer of Property Act, 1882. Now, the concurrent findings of the Courts below are assailed raising several contentions.

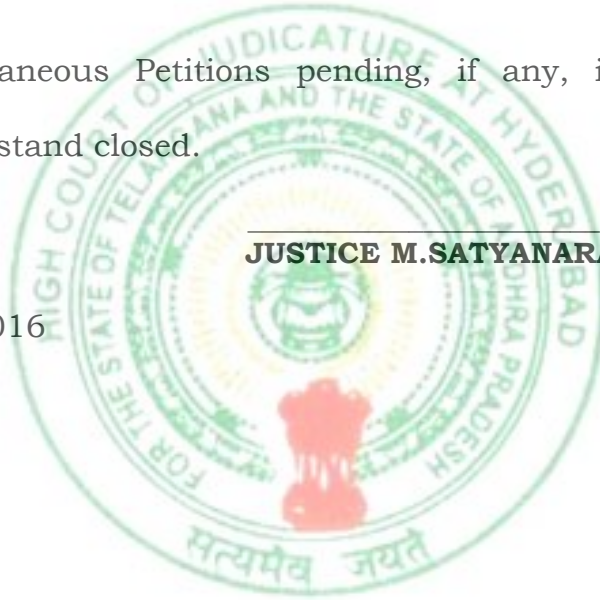
3. At the stage of admission, Sri Vedula Srinivas, learned counsel representing Sri Ashfaq Ahmed, learned counsel for the appellant, fairly conceded that there are no substantial questions of law to be decided by this Court exercising power under Section 100 C.P.C., and sought six months time for delivery of vacant possession and clearing arrears of rent, if any, to the respondent/plaintiff. It is brought to the notice of this Court that the appellant filed an undertaking before the trial Court to deliver vacant possession of the suit schedule property to the respondent within six (6) months.

4. In view of the undertaking given by the learned counsel for the appellant and with the consent of Sri Dilip Kumar Shirodkar, learned counsel for the respondent/plaintiff, the Second Appeal is disposed of at the stage of admission granting six (6) months time to vacate and deliver vacant possession of the suit schedule property by the appellant/defendant, which would expire by 17.2.2017, and clear arrears of rent, if any. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Second Appeal shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date: 17.8.2016
AMD



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