

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Second Appeal Nos.761 and 780 of 2016

Common Judgment:

Both these Second Appeals are being disposed of by this common judgment, since they relate to same parties.

Second Appeal No.761 of 2016 arises out of O.S.No.595 of 2006 filed before the Principal Junior Civil Judge, Ongole seeking delivery of vacant possession of the plaint schedule property and for a direction to pay mesne profits to the plaintiffs. The said suit was decreed in part by holding that the plaintiffs were entitled to recover possession of the plaint schedule property from the first defendant and the first defendant was directed to deliver vacant possession of the plaint schedule property to the plaintiffs within three months from the date of judgment. The said judgment was passed on 22.04.2016, against which the first defendant preferred A.S.No.66 of 2016 before the I Additional District Judge, Ongole, who dismissed the appeal by judgment and decree dated 29.07.2016 by confirming the judgment and decree in O.S.No.595 of 2006.

Second Appeal No.780 of 2016 arises out of O.S.No.159 of 2005 filed by the first defendant in O.S.No.595 of 2006 seeking permanent injunction restraining the landlords from interfering with his peaceful possession and enjoyment of the suit schedule premises. The said suit was dismissed by judgment and decree dated 22.04.2016, against which A.S.No.67 of 2016 was filed. The said appeal was also dismissed by the learned I Additional District Judge, Ongole on 29.07.2016 and the Second Appeal No.780 of 2016 was filed against the said judgment and decree.

When both the Second Appeals came up for consideration before this Court on 28.10.2016 and upon hearing both the parties, keeping in

view the nature of litigation, it was suggested to settle the matter and the learned counsel appearing for the landlords fairly conceded for granting time till the end of May 2017 for vacation of the premises and the tenant agreed for the same. Accordingly, the case was adjourned in order to enable the tenant to file an affidavit. The tenant, first defendant in O.S.No.595 of 2006 filed an affidavit before this Court through his counsel agreeing to vacate the suit schedule premises by the end of May 2017 and continue to pay agreed rent till such vacation. He further stated that he has been depositing the rent at Rs.4000/- in the Court and he would continue to pay the same till vacation.

In view of the same, the judgment and decree passed by the learned Principal Junior Civil Judge, Ongole in O.S.No.595 of 2006 dated 22.04.2016 is confirmed and the time for vacation of the suit schedule premises is extended up to 31.05.2017. In view of the same and in view of the affidavit filed by the tenant, both the Second Appeals are dismissed, but without costs.

As a sequel thereto, the Miscellaneous Petitions, if any, pending in these Second Appeals shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.11.2016

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