

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

SECOND APPEAL No.402 of 2017

JUDGMENT:

This Second Appeal is directed against the judgment and decree in A.S.No.55/2016 on the file of the learned XXIV Additional Chief Judge, City Civil Court, Hyderabad, dated 28.02.2017, by and under which, the judgment and decree made in O.S.No.1894/2013 on the file of the learned V Senior Civil Judge, City Civil Court, Hyderabad, dated 01.02.2016 was confirmed.

Heard the learned counsel appearing for the appellant/defendant and perused the material available on record.

The admitted facts are that the appellant is the tenant of the demised premises which comprises of a commercial mulgi, bearing Door No.1-9-700/6, situated at Vidyanagar, Adikmet, Hyderabad. The existence of jural relationship between the appellant and the respondent is not disputed. Even though a feeble attempt is made to challenge the validity of Ex.A1 quit notice, the Courts below on proper appreciation of oral and documentary evidence, held that Ex.A1 quit notice is proper and valid. The evidence placed on record established that the appellant/defendant is liable to be evicted from the demises premises.

In view of the concurrent findings of both the courts below, I do not see any question of law, much less substantial question of law that arises for consideration in this second appeal.

The Second Appeal is accordingly dismissed at the stage of admission. However, considering the fact that the appellant/defendant is carrying on business in footwear in the demised premises, which is said to

be sources of his livelihood, the appellant/defendant is granted time till 31.12.2017 for vacating and handing over the vacant possession of the demised premises to the respondent/plaintiff, if he is still in possession as on today, subject to condition that he shall continue to pay the admitted rents, without committing any default. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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M.S.K.JAI SWAL,J

Date: 01.06.2017  
Dsr

