

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Second Appeal No.334 of 2017

Date: 21.04.2017

Between:

Neppalli Ramakrishna

.. Petitioner

and

Dr.Munagavalasa Siva Shankar and 2 others

.. Respondents

Counsel for the Petitioner : Mr.MRK.Chakravarthy

Counsel for the respondent : Mr.N.Aswini Kumar

The Court made the following:



Judgment :

This Second Appeal arises out of Judgment and Decree, dated 15-02-2017, in AS.No.48 of 2013 on the file of the District Judge, Visakhapatnam.

Mr.M.R.K.Chakravarthy, learned Counsel for the appellant, while conceding that his client has no case on merits, submitted that his client will be satisfied, if he is granted three months' time for eviction and that he will file an undertaking to that effect before the Court below within one week from the date of receipt of this order.

The learned Counsel for the respondent submitted that he has no objection for the above request.

Accordingly, the Second Appeal is dismissed permitting the appellant to remain in possession of the subject property for a period of three months from today. He shall file an affidavit, unconditionally undertaking to vacate the subject property on expiry of three months from today, before the trial Court within one week from the date of receipt of this order. If such an affidavit is not filed, respondent No.1 is entitled to execute the

decree. The Execution Petition to the extent of the arrears of rent shall be decided by the Court below on merits.

As a sequel to dismissal of the Second Appeal, SAMP.No.761 of 2017, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 21st April, 2017
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