

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

S.A.No. 27 of 2017

JUDGMENT :

Heard both sides before admission.

2. From the hearing and from the consensus arrived and also from the undertaking given by the appellant, who is defendant in O.S.No.1518 of 2010, of going to vacate the subject premises by the end of October, 2017 and in the meantime to pay an amount of Rs.10,000/- (Rupees ten thousand only) per month towards damages for use and occupation instead of what was paying of Rs.9,500/-, by recording the said undertaking and by keep pending the Execution Petition before the lower Court, however, suspending the enforcement till end of October, 2017, the second appeal can be disposed of.

3. With the above observation and from the undertaking given by the appellant-tenant-J.Dr. of the pending execution petition to continue in possession meanwhile and to deliver possession of the property before end of October 2017 without any sort of obstruction or objection, by recording the same, the second appeal is disposed of by giving liberty to the decree holder-respondent herein, if at all in the meantime, not delivered possession to obtain possession through Court in the pending execution petition on or before 01.11.2017 for the Court to deliver through Amin, if necessary with any police help, break open lock, general arrest etc., reliefs by not permitting any objection or obstruction by him. Needless to say, any default in payment of the damages fixed at Rs.10,000/- per month, if for a

continuous period of two months, the respondent-plaintiff is entitled to evict him even in the meantime by virtue of this order from such default.

4. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dr. B. SIVA SANKARA RAO, J

4th January 2017

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