

THE HON'BLE SRI JUSTICE S.V.BHATT

SECOND APPEAL No.149 of 2017

ORDER:

The defendant in O.S.No.220 of 2011 in the Court of II Additional Junior Civil Judge, Kurnool, is the appellant.

The trial Court decreed the suit and directed the appellant to vacate the suit schedule property by 30-11-2014. The appellant filed A.S.No.48 of 2014 and the appellate court through judgment dated 28-11-2016 dismissed the appeal.

The findings of fact recorded by the courts below are examined by this Court with the assistance of learned counsel appearing for the parties.

The appellant against the findings of fact recorded could not make out case for admission under Section 100 of Civil Procedure Code. The appellant has placed on record the affidavit dated 20-03-2017 to the following effect :-

“I respectfully submit that during the course of the hearing, it is humbly requested before the Hon'ble Court, the petitioner needs a reasonable time to vacate the premises covered by the second appeal and undertook to file the undertaking to that effect. In view of the said circumstances, the petitioner respectfully submitted that the petitioner is running a agarbathis in the said shop and the said room is occupied with the lot of goods which are shifted to some other place. Hence, the petitioner requests the Hon'ble Court to grant at least six months time to vacate the said premises and the petitioner undertakes to vacate the said premises

within six months from the date 20-03-2017, otherwise the petitioner will suffer irreparable loss and hardship.

It is therefore prayed that this Hon'ble Court may be pleased to receive and record the undertaking affidavit executed by the petitioner in the above second appeal and grant six months time to vacate the said premises covered by the impugned judgment in A.S.No.48 of 2014 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The counsel for respondent-landlady has no objection to consider granting time as requested by the appellant.

The affidavit dated 20-03-2017 is accepted.

The counsel for appellant has not made any other submissions and stated that appellant is satisfied if time vacating the premises is granted.

Hence, by accepting the affidavit, the appellant is granted six months time from today to vacate the plaint schedule property. The appellant is under obligation to continue to pay the agreed rent between the parties till the date of delivery of possession.

Accordingly, the Second Appeal is dismissed, by granting time as prayed for.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

Date: 20-03-2017
Prv

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