

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

SECOND APPEAL No.896 of 2013

JUDGMENT:

The Second Appeal is filed aggrieved by the judgment dated 5.1.2007 in A.S.No. 55 of 2005 passed by the III Additional District Judge, Warangal whereunder and whereby while dismissing the appeal filed by the defendant against the judgment in O.S.No. 493 of 2002 on the file of Principal Senior Civil Judge, Warangal, the learned III Additional District Judge allowed the cross-objections filed by the plaintiff partly and directed the defendant to pay rent at the rate of Rs. 2,000/- per month from June 2000 till he vacates the ~~suit~~ premises.

2. Questioning the judgment in A.S.No. 55 of 2005 the defendant already filed S.A.No. 550 of 2007 and the same was disposed of on 2.11.2007. This Court dismissed the said appeal holding that no substantial question of law is involved to be adjudicated by the Court. Surprisingly the appellant has filed instant Second Appeal i.e. S.A.No. 896 of 2013 apparently stating that he was questioning the relief granted by the lower appellate Court in respect of cross-objections filed by the plaintiff. However, in S.A.No. 550 of 2007 he contested the appeal on the ground that Ex. B1 mortgage deed executed by the plaintiff in favour

of the defendant was not taken into consideration by the trial Court. This Court, on perusal of the record not agreed with the contention of the appellant and dismissed the Second Appeal. In a way the said dismissal of the Second Appeal shut the door for the appellant to carryout the present Second Appeal under the guise of challenging the relief granted in cross-objections. It is seen that the Second Appeal is wholly misconceived and not maintainable under law.

3. At this stage, learned counsel appearing for appellant seeks permission to withdraw the Second Appeal.

4. In the interest of justice, permission is accorded.

5. Accordingly, the Second Appeal is dismissed as withdrawn at the stage of admission with costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 31.08.2017

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