

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE N. BALAYOGI

C.C.C.A.No. 158 of 2017

JUDGMENT:- (ORAL)

Per Hon'ble Sri Justice Suresh Kumar Kait)

This appeal is filed assailing the judgment and decree dated 30.06.2017 delivered in O.S.No. 830 of 2015 by IV Senior Civil Judge, City Civil Court, Hyderabad.

The trial Court, while decreeing the above noted suit, directed the appellant – defendant to vacate the schedule premises and handover vacant possession to the respondent-plaintiff within one month from the date of that judgment, failing which, the respondent-plaintiff is entitled to eviction through process of law. The trial Court further directed that the appellant-defendant is liable to pay damages @ Rs.1,40,000/- per month from 28.08.2015 till the date of handing over the possession.

The learned counsel for the appellant-defendant submits that he does not dispute the judgment of the trial Court to the extent of the direction given to the appellant-defendant to vacate the schedule premises. However, he submits that payment towards damages as awarded by the trial Court is to be reduced to Rs.1,15,000/- per month payable from 28.08.2015 till the date of handing over the possession of the property.

The learned counsel for the respondent-plaintiff has agreed to the submission made by the learned counsel for the appellant.

In view of the above, we hereby direct the appellant-defendant to pay Rs.1,15,000/- (Rupees One Lakh Fifteen Thousand Only) per month to the respondent-plaintiff from 28.08.2015 till the date of handing over possession of the property.

We hereby made it clear that possession of the schedule property shall be handed over to the respondent-plaintiff within a period of four weeks from today, failing which, the appellant-defendant shall pay an additional amount of Rs.50,000/- (Rupees Fifty Thousand Only) per month in favour of the respondent-plaintiff till the possession is delivered.

We further made it clear that if possession is not handed over within four weeks, the respondent is at liberty to get evicted through due process of law.

With the above direction, the Civil Revision Petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

31.07.2017

SURESH KUMAR KAIT, J

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N. BALAYOGI, J