

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

SECOND APPEAL No.937 of 2016

JUDGMENT:

This second appeal is preferred by the defendant, aggrieved by the judgment, dated 26.10.2016, in A.S.No.2 of 2013, on the file of the II Additional District Judge, Kadapa at Proddatur, whereby and whereunder, the learned Judge dismissed the appeal preferred by the defendant by confirming the judgment and decree passed by the trial Court in O.S.No.10 of 2011, dated 29.10.2012.

2. The suit is one for eviction of the defendant and for arrears of rent. The trial Court directed the defendant to evict the plaint schedule property within two months from the date of its judgment and also to pay the arrears of rent of Rs.5,600/- with interest @ 6% per annum from the date of suit till the date of realization.

3. When the Second Appeal has come up for admission in the presence of Sri M.N.Narasimha Reddy, learned counsel for the appellant and Sri K.Murali Krishna, learned counsel on caveat for the respondent, the learned counsel for the appellant submitted that there are no substantial questions of law involved in the appeal and the appellant, who is running a gas agency in the plaint schedule property, may be granted one year time for evicting the plaint schedule property and to comply with the judgment of the trial Court. Resisting the same, the learned counsel on caveat for the respondent submitted that the respondent has no objection if time period of ten months is granted, for which, the counsel for the appellant also agreed. So far as arrears of rent is concerned, both parties agreed that whatever amount is due as on today can be recovered by way of

filing execution petition. In view of the above understanding by both the parties, this Second Appeal is disposed of at the admission stage with the following directions.

- i) The appellant/defendant shall deliver vacant possession of the plaint schedule property to the respondent/plaintiff, within ten (10) months from the date of this order, failing which, the respondent/plaintiff is at liberty to execute the decree passed by the trial Court.
- ii) So far as arrears of rent is concerned, whatever amount is due, the respondent/plaintiff is at liberty to execute the decree.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Second Appeal, shall stand closed.

U.DURGA PRASAD RAO, J

14th September, 2017
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