

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

SECOND APPEAL No.1276 OF 2017

JUDGMENT:

Heard learned counsel for the appellant.

This second appeal is directed against the confirming Judgment and decree, dated 31.08.2017, in A.S.No.49 of 2015 passed by the learned IV Additional District Judge, Nellore, confirming the Judgment and decree in O.S.No.456 of 2013, dated 21.04.2015. The appellant is defendant in the said suit. The suit was filed for eviction of the plaint suit schedule property by the defendant and for recovery of damages @ 6,000/- per month from the date of the suit till the delivery of the plaint schedule property. The plaint schedule property is RCC Building consisting of three shop rooms, out of which, one shop room was let out to the appellant. Before the trial Court, the plaintiff examined P.Ws.1 and 2, whereas the defendants examined D.Ws.1 and 2 besides marking documents Exs.A.1 to A.14 and Exs.B.1 to B.3 respectively. The trial Court after examining the oral and documentary evidence decreed the suit with costs directing the appellant herein to vacate and deliver the suit schedule shop room to the respondent herein within two months from the date of the said Judgment. Against the same, the defendant preferred A.S.No.49 of 2015 on the file of the Court of the IV Additional District Judge, Nellore and the lower appellate Court, by Judgment and decree dated 31.08.2017, confirmed the Judgment and decree passed by the learned Principal Junior Civil Judge, Nellore, in O.S.No.456 of 2013, dated 21.04.2015. Aggrieved by the same, the present second appeal was preferred against the lower appellate Court's Judgment and decree.

After hearing the learned counsel for the appellant, this Court was not inclined to admit the Second Appeal. In such circumstances, the appellant filed an Affidavit before this Court that he would vacate the suit

schedule premises within the time fixed by this Court and also undertake not to create any further trouble to the landlord by prolonging the litigation. He further submitted that there are no dues as on today.

In the circumstances, the Second Appeal is disposed of recording the undertaking given by the appellant/defendant and the appellant/defendant is directed to vacate the suit schedule premises on or before 30.04.2018 by duly paying the monthly rents for the period of his occupation.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

22.12.2017
pln

A.RAMALINGESWARA RAO, J

