

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

SECOND APPEAL NO. 214 OF 2018

JUDGMENT:

1. Heard the learned counsel for the appellant and the counsel for the respondent.

2. The respondent herein filed OS.No.207 of 2009 on the file of the II Additional Senior Civil Judge, Nellore seeking delivery of vacant possession of the Plaint Schedule Property of an extent of 108 square feet and first floor of R.C.C. Terraced building situated in Ward No.15, Door No.302 of Nellore Town and Corporation, Sri Potti Sriramulu Nellore district. The plaintiff also claimed an amount of Rs.30,250/- with interest @ 12% per annum from 8.4.2009 till the date of filing of the suit being the arrears of rent from 5.11.2008 to 4.3.2009 for about five months. The said suit was decreed directing the defendant to pay arrears of rent for five months coming to Rs.30,250/- with interest at 12% p.a. from the date of filing of the suit till the date of realization, by Judgment and Decree dated 12.8.2011. Against the same, the petitioner herein preferred A.S.No.100/2011 and the same was dismissed with costs. The petitioner was directed to vacate and hand over the suit schedule property on or before 29.12.2017. Challenging the same, the present Second Appeal is filed.

3. It appears that the amount of Rs.30,250/- along with interest @ 12% p.a. from the date of filing of the suit on 8.4.2009, has been deposited pursuant to the filing of the appeal.

4. Now the petitioner filed an affidavit undertaking to vacate the suit schedule property within the time fixed by this Court by paying the monthly rents and not to cause damage to the premises.

5. Since the petitioner is doing Mobile Phones business and eaking out his livelihood, the petitioner is given time till 30.6.2018, subject to the payment of monthly rents as agreed upon within the time agreed by the parties and shall hand over vacant possession without causing any damage to the property on or before 30.6.2018. If the amount already deposited by the petitioner was not withdrawn by the respondent, the respondent is permitted to withdraw the said amount.

6. The Second Appeal is accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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A. RAMALINGESWARA RAO,J

Date: 9.3.2018

KPM