

**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

SECOND APPEAL No. 1708 of 2011

JUDGMENT:

The Second Appeal is filed by the appellants/defendants against the judgment and decree dated 14.11.2011 in Appeal Suit No.103 of 2009 on the file of the I Additional Chief Judge, City Civil Court, Secunderabad, whereby the judgment and decree dated 22.06.2009 in O.S. No.590 of 2006 on the file of the XIII Additional Senior Civil Judge (Fast Track Court), City Civil Court, Secunderabad decreeing the suit filed for eviction of the defendant from the suit schedule property and for *mesne profits*, were confirmed.

2. Heard both sides and perused the evidence on record.

3. During course of submissions, it has been agreed by the learned counsel for the appellants/defendants that the defendants, who are tenants, will evict the suit schedule premises and hand over vacant possession thereof to the respondents/ plaintiffs within 6 (six) months from today. The said submission is taken on record. Learned counsel for the respondents/ plaintiffs conceded the same.

4. Even on merits, both the courts below rightly ordered eviction of the appellants/defendants from the suit schedule premises and granted *mesne profits*. These findings are based on the evidence. The substantial questions of law in the grounds of appeal are only on factual aspects. Both the Courts below analysed the entire evidence on record and gave concurrent findings on the factual aspects. None of the findings is shown to be perverse. The findings are based on record and there is no infirmity. There are no grounds to take a different view. Under these circumstances, no question of law, much less substantial question of law, as contended by

the appellants/defendants to deal with under Section 100 of the Code of Civil Procedure, 1908 comes up for determination in the Second Appeal. The Second Appeal is devoid of merit and is liable to be dismissed.

5. However, in view of the undertaking given by the learned counsel for the appellants/defendants and as conceded by the respondents/plaintiffs, the appellants/defendants are directed to vacate the suit schedule premises and hand over vacant possession thereof to the respondents/plaintiffs within a period of 6 (six) months from today. The respondents/plaintiffs are entitled for the *mesne profits* as awarded by the courts below in accordance with the procedure established by law.

6. With the above observation, the Second Appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, in the Second Appeal shall stand closed.

20.09.2018  
DRK

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(Dr.SA, J.)

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