

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

SECOND APPEAL No.492 of 2018

JUDGMENT :

Heard learned counsel for the appellant/defendant and learned counsel for the respondent No.2/plaintiff, since respondent No.1 died in the suit for eviction from the admitted relationship of landlord and tenant, decreed on 21.12.2012 in O.S.No.778 of 2006 by the learned Principal Junior Civil Judge, Ongole, and the appeal in A.S.No.16 of 2013 was confirmed by dismissal of the appeal of the defendant on 29.11.2017, the second appeal is maintained.

2. In fact, from perusal of the record, there is no any substantial question of law involved including as to the notice to quit contemplated by Section 106 of the Transfer of Property Act with reference to Ex.A.1 to admit the second appeal.

3. Having regard to the above and by recording the undertaking of the appellant/defendant to vacate on or before end of December 2018, the Second Appeal, rather than dismissal, is disposed by granting time of eight (8) months till end of December, 2018 to vacate. In the meantime, towards use and occupation charges as damages, the appellant/defendant shall pay at Rs.3,000/- (Rupees three thousand only) per month from April 2018 and prior to that whatever the arrears of the rent stated that was usually paying for any arrears. Any non-payment for two (2) continuous months entitles automatically execution of the trial Court's decree confirmed by the appellate Court

without any further reference to this Court. The appellant shall file, within one month from today, before the trial Court, an affidavit of undertaking that he will not introduce any third party by inducting into possession and will not cause any damages to the property and pay the damages for use and occupation and without further extension of time vacate in the meantime.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

25th April 2018.

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Dr. B. SIVA SANKARA RAO, J

