

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

SECOND APPEAL No.516 of 2018

JUDGMENT :

Heard both sides and perused the grounds of the second appeal and the judgments of the Courts below and other material on record.

2. In fact, there is no substantial question of law involved to admit the second appeal, much less to keep it pending, but for from the time sought for undertaking to vacate, rather than dismissal, the second appeal is disposed of by granting time to vacate on or before 31.12.2018, without any further time of extension, and by payment of the amount as was ordered by the trial Court towards damages for use and occupation in the meantime. Any non-payment for two (2) consecutive months entitles automatically execution of the trial Court's decree confirmed by the appellate Court without any further reference to this Court. It is made clear that the defendants shall not enter any third party interest, shall not allow a third party and shall not cause any acts of waste or damages to the property and for any such acts also entitle the plaintiff in the meantime to execute without any further reference to the Court. It is also made clear that all arrears shall be paid within three months from today, failing which for recovery of the arrears, the plaintiff can execute that part of the decree, without waiting for the premises to be vacated by end of December 2018.

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

Dr. B. SIVA SANKARA RAO, J

27th April 2018.

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