

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Second Appeal No.989 of 2017

JUDGMENT:

Heard learned counsel for appellants Sri K.K.Waghray and learned counsel for respondent/Caveator Sri Mohd. Mazhar Ali and this Second Appeal is disposed of at the admission stage with their consent as follows.

2) Learned counsel for appellants would admit that there are no substantial questions of law involved in the Second Appeal and it may be dismissed. He, however would, request that to comply with the decree passed by the Courts below and to deliver vacant possession of the suit premises, he may be granted reasonable time.

3) Learned counsel for respondent/Caveator on instructions, agreed to grant time till 31.12.2017 and accepted by the counsel for appellants.

4) In that view, while dismissing this appeal at the admission stage, appellants/defendants 1, 2 and 5 are granted time till 31.12.2017 to vacate the plaint schedule property and hand over the same to the respondent/plaintiff. So far as mesne profits at the rate of Rs.9,718/- per month granted by the trial Court is concerned, the respondent/plaintiff can execute the decree.

5) Accordingly, the Second Appeal is dismissed without costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 01.09.2017
Murthy