

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU,
C.C.C.A.No. 318 of 2018

JUDGMENT :

The appeal is filed questioning the decree for eviction that is granted by the Court below in O.S.No. 650 of 2017.

2. The appellant before this Court is defendant in the Suit. He suffered decree for eviction in the Court below by its judgment dated 17.07.2018, directing him to vacate the premises within a period of two months from the date of judgment. Thereafter, the present appeal was preferred..

3. In the appeal, learned counsel for the land lord - respondent appeared through Caveat. Thereafter, an additional affidavit was filed with USR No. 74751 by which the appellant in the appeal gave undertaking that he will deliver vacant possession of the plaint schedule property by 31.05.2019. An undertaking was also given that the rental amounts as per the terms of the agreement will be paid.

4. Heard the learned counsel representing the appellant and the respondent.

5. Noting the said additional affidavit, which was filed on 24.09.2018, the C.C.C.A is allowed. Time for eviction is granted till 31.05.2019 in terms of the afore mentioned undertaking given by the appellant. The agreed rents shall be paid without any default till 31.05.2019. By passing this order the later part of the judgment and decree by which the respondent was permitted to file application for mesne profit is not in any way affected.

6. Hence, the decree of the trial court is modified granting time till 31.05.2019 to vacate the subject premises by the appellant. The CCCA is allowed with the said modification.

7. With the above directions the C.C.C.A is allowed. No orders as to costs. Miscellaneous Petitions, if any pending, stand closed.

JUSTICE D.V.S.S.SOMAYAJULU

Dated: 25.09.2018

JR



HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU,



Dated: 25.09.2018