

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Second Appeal No.1456 of 2018

JUDGMENT:

This Second Appeal is preferred, under Section 100 CPC, against the judgment and decree in A.S.No.295 of 2013 passed by the IX Additional Chief Judge, City Civil Court, Hyderabad, dated 16.08.2018 confirming the judgment and decree in O.S.No.2035 of 2012 passed by the II Junior Civil Judge, City Civil Court, Hyderabad dated 20.08.2013.

The appellant is the tenant. The respondent herein filed a Suit for eviction of the appellant from the Suit schedule property besides claiming damages by way of mesne profits at Rs.12,000/- per month for illegal use and occupation of the Suit schedule property.

While fairly stating that the concurrent findings of fact, recorded by both the Courts below, do not give rise to a substantial question of law warranting interference in a Second Appeal filed under Section 100 CPC, Sri Mohd. Osman Shaheed, Learned Counsel for the appellant, would request 12 months time for the appellant to vacate the subject premises. Sri Y.Krishna Mohan Rao, Learned Counsel for the respondent-plaintiff, would submit that the respondent requires the said premises for his personal use; and any delay in the appellant vacating the Suit schedule premises would cause substantial prejudice to him.

I consider it appropriate, in such circumstances, to permit the appellant to vacate the subject premises within three months from today, failing which it would be open to the respondent-plaintiff to take appropriate action in accordance with law. For

this period of three months, the appellant-tenant shall continue to pay rent as directed by the Courts below.

Subject to the aforesaid observations, the Second Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

(RAMESH RANGANATHAN, J)

Date:05.10.2018.

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