

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

SECOND APPEAL NO.1741 OF 2018

JUDGMENT:

The appellant is challenging the legality of the judgment and decree dated 12.09.2018, passed in A.S.No.272 of 2016, by the III Additional Chief Judge, City Civil Court at Hyderabad, whereby the learned Judge has dismissed the appeal filed by the appellant against the judgment and decree dated 13.10.2016, in O.S.No.2408 of 2011, passed by the XVIII Additional Senior Civil Judge, City Civil Court at Hyderabad.

After arguing for some time, Sri B.Vijaysen Reddy, the learned counsel for the appellant, has pleaded that sufficient time should be given to the appellant to vacate the premises in question. According to him, since the premises is a shop, in which the appellant is carrying out his business of selling spare parts of cars and vehicles, the appellant will need a maximum of six months' time to find an alternate shop. Therefore, the learned counsel for the appellant seeks six months' time to vacate the premises in question.

However, Sri K. Nandaiah, the learned counsel for the respondent-plaintiff, is concerned about the fact that the appellant owes arrears of rent tantamounting to Rs.12,75,000/- which is yet to be paid by the appellant to the respondent-plaintiff. Moreover, learned counsel for the respondent pleads that four months' time would be sufficient to vacate the shop in question.

Finding a shop and establishing a new business in a new locality may not be too easy. Therefore, this Court is of the opinion that six (6) months' time from today should be granted to the

appellant to vacate the shop in question. However, as the appellant is required to pay arrears of rent amounting to Rs.12,75,000/- to the respondent-plaintiff, the appellant is directed to pay the said amount in six (6) equal instalments to the respondent-plaintiff. In case either of these two conditions, namely, vacating the shop in question, and payment of the arrears of the rent, is not satisfied by the appellant, at the end of the stipulated period of six months, the respondent-plaintiff shall be free to immediately move the Executing Court for execution of the decree.

With these directions, the Second Appeal stands disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.



(RAGHVENDRA SINGH CHAUHAN, J)

19th December 2018
RRB