

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

SECOND APEAL No.1428 of 2017

05.01.2018

Between:

Bodi Narasimha Murthy

..Appellant

and

Kandula Bhagya Lakshmi

..Respondent

Counsel for the appellant: Mrs.Nimmagadda Revathi

Counsel for the respondent: Mr.S.V.S.S.Siva Ram

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This second appeal is filed against judgment and decree, dated 09.10.2017, in A.S.No.342 of 2009 on the file of IV Additional District Judge, Visakhapatnam, whereby he has dismissed the appeal filed against judgment and decree, dated 07.04.2009, in O.S.No.1898 of 2006 on the file of Principal Junior Civil Judge, Visakhapatnam, whereby he has decreed the suit filed by the respondent for eviction of the appellant from the suit schedule property and for delivery of vacant possession of the said property.

2. After the case was adjourned on 29.12.2017, the appellant filed an affidavit, *vide* U.S.R.No.1 of 2017. In the said affidavit, the appellant has stated that he has decided to vacate the suit schedule premises and pay the arrears as decreed by the trial Court within six months. The undertaking given by him in this regard reads as under.

“....Therefore, I hereby undertake that I would vacate the suit schedule premises and pay the suit arrears as decreed by the Hon'ble Courts below, within 6 months from the date of order of this Hon'ble Court. Hence this affidavit is filed.”

3. At the hearing, though initially Mr.S.V.S.S.Siva Ram, learned counsel for the respondent, has requested that the time of six months for payment of arrears may be reduced to three months, he has ultimately agreed for this Court granting six months time as requested by the appellant.

4. In the light of the above, the Second Appeal is dismissed with the direction to the appellant to vacate the suit schedule premises on the

expiry of six months from today and to deposit the entire arrears payable by him as per the decree of the trial Court along with interest accrued thereon, while vacating the premises, to the credit of the suit before the trial Court. If the appellant fails to comply with his undertaking on either of the two aspects referred to above, the respondent is entitled to get the decree executed besides initiating the proceedings for contempt.

5. As a sequel to dismissal of the Second Appeal, S.A.M.P.No.2918 of 2017 filed by the appellant for interim relief stands dismissed.

C.V.NAGARJUNA REDDY, J

05th January, 2018
GHN

