

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

SECOND APPEAL NO.1400 OF 2017

DATED:09-02-2018

Between:

Jagadeesh Prasad Sharma ... Appellant

And

Kandula Bhagya Lakshmi ... Respondent

COUNSEL FOR THE APPELLANT: Mr. Nimmagadda Revathi

COUNSEL FOR THE RESPONDENT: Mr. S.V.S.S. Siva Ram



THE COURT MADE THE FOLLOWING:

JUDGMENT:

This second appeal is filed against judgment and decree, dated 09.10.2017 in A.S. No.340 of 2009 on the file of the IV Additional District Judge, Visakhapatnam, whereby he has dismissed the appeal filed against judgment and decree dt.07.04.2009 in O.S. No.1896 of 2006 on the file of the Principal Junior Civil Judge, Visakhapatnam, whereby she has decreed the suit filed by the respondent for eviction of the appellant from the suit schedule property, deliver the vacant possession of the same to the respondent, and to direct the appellant to pay the arrears of rent and damages.

2. After the case was adjourned on 29.12.2017, the appellant filed an affidavit in the Registry on 18.1.2018. 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 six 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 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.2863 of 2017 filed by the appellant for interim relief shall stand dismissed.

C.V. NAGARJUNA REDDY, J

09-2-2018

bmr

