

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

SECOND APPEAL No.248 of 2019

JUDGMENT:

This Second Appeal, under Section 100 of C.P.C, is filed by the appellant/defendant No.1, challenging the judgment and decree dated 09.07.2019, passed in A.S.No.167 of 2017 by the learned IX Additional Chief Judge, City Civil Court at Hyderabad, whereby, the judgment and decree dated 13.03.2017, passed in O.S.No.1852 of 2012 by the XVII Additional Senior Civil Judge, City Civil Court, Hyderabad, was confirmed.

2. Heard arguments of Sri C.Hari Preeth, learned counsel for appellant, Sri Rupendra Mahendra, learned counsel for respondent Nos.1 and 2 and perused the record.

3. The subject dispute relates to the eviction of the suit premises and delivery of possession of the same to the respondents 1 and 2/plaintiffs. This Court while dealing with the matter on 22.08.2019, was pleased to grant six(6) months time to the appellant/defendant No.1 to vacate the suit premises and also directed to pay monthly rent of Rs.20,000/- on or before 7th day of every succeeding month. Further, it was left open that mesne profits/damages, payable are required to be adjudicated by the trial Court.

4. In terms of the order dated 22.08.2019 passed by this Court, the appellant/defendant No.1 had given an undertaking to vacate the suit premises within six (6) months and also agreed to pay monthly rent as ordered by this Court.

5. In the course of submissions, it is brought to the notice of this Court that the appellant/defendant No.1 did not pay the arrears of rent, as ordered. In such an event, the respondents 1 and 2/plaintiffs are entitled to execute the judgment and decree passed by the trial Court for collecting the arrears of rent and future rents due, if any. As far as the merits of this Second Appeal are concerned, there is no substantial question of law to admit the appeal and proceed with.

6. Granting six(6) months time as stipulated by this Court vide order dated 22.08.2019, this Second Appeal is disposed of. It is clarified that that respondents 1 and 2/plaintiffs are entitled to recover the arrears of rent and future rents, if any due, in terms of the judgment and decree dated 13.03.2017 passed in O.S.No.1852 of 2012 by the XVII Additional Senior Civil Judge, City Civil Court, at Hyderabad, in accordance with law.

7. This Second Appeal is disposed of as indicated above. No order as to costs.

Miscellaneous Petitions, if any, pending in this Second Appeal, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 13.09.2019
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