

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

SECOND APPEAL No.289 OF 2019

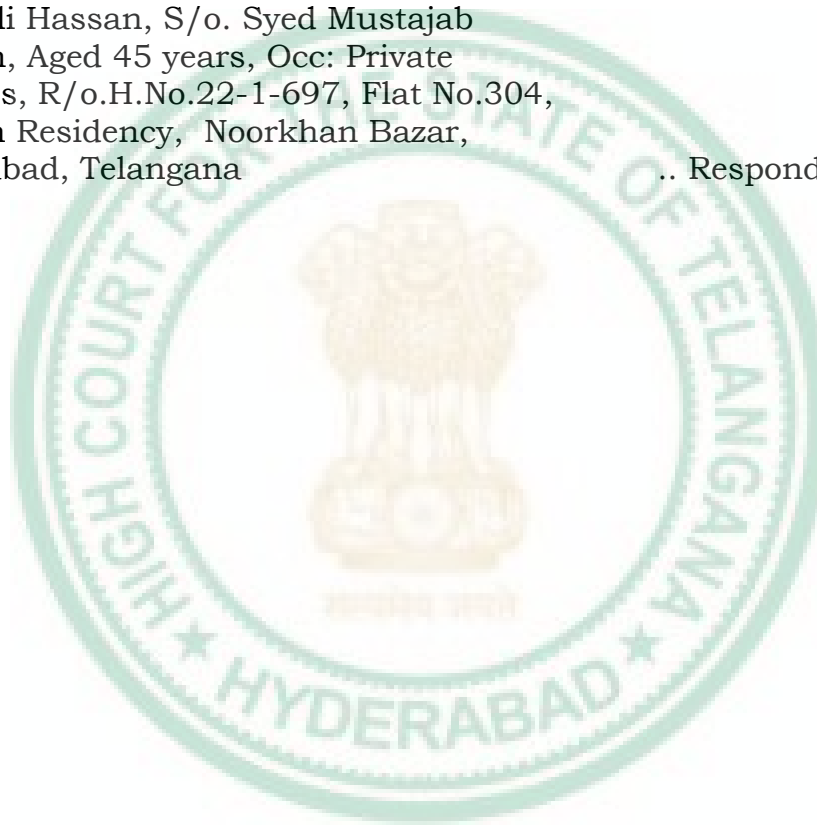
Date:16.10.2019

Between:

Prince Yakub Habeebuddin Tacy,
S/o. Prince Yakub Arifuddin Tacy,
Aged 50 years, Occ: Business,
R/o.H.No.8-9-40/79, Ground Floor Portion,
Sree Datta Nagar, Kanchan Bagh, Saroornagar,
Ranga Reddy District .. Appellant

And

Syed Ali Hassan, S/o. Syed Mustajab
Hassan, Aged 45 years, Occ: Private
Services, R/o.H.No.22-1-697, Flat No.304,
Mastan Residency, Noorkhan Bazar,
Hyderabad, Telangana .. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**SECOND APPEAL No.289 OF 2019****JUDGMENT:**

Heard learned counsel for the appellant/defendant.

2. O.S.No.564 of 2015 was instituted in the Court of I Additional Junior Civil Judge, Ranga Reddy District, by the plaintiffs/owners of the suit schedule property praying to grant decree of eviction of the appellant/defendant herein. The appellant herein filed O.S.No.404 of 2015 praying to grant perpetual injunction restraining the defendant therein from interfering with the peaceful possession and enjoyment. By judgment dated 03.05.2017, the suit filed by the appellant herein i.e., O.S.No.404 of 2015 was dismissed and O.S.No.564 of 2015 was decreed in favour of the plaintiff directing the defendant therein to vacate the suit schedule property and to deliver the vacant possession to the plaintiff within three months from the date of judgment. Aggrieved by the decree in O.S.No.564 of 2015, the appellant herein preferred A.S.No.198 of 2017 and the same was dismissed by judgment dated 28.08.2019 confirming the decree granted by the trial Court. The appellant was granted one month time from the date of judgment to deliver the vacant possession. Challenging the same, this appeal is preferred.

3. Briefly noted undisputed fact as evident from material on record is that the appellant is the tenant of the suit schedule property and respondent is the owner of suit schedule property. Tenancy is an admitted fact. It is apparent from the judgments of the trial Court and First Appellate Court that the lease period

expired in the year 2014 and not renewed thereafter. But, the appellant continued to occupy the premises. After the expiry of the lease, the tenancy was treated as month to month basis and therefore landlord is entitled to seek eviction of tenant by giving notice under Section 106 of the Transfer of Property Act. Having been satisfied that the provision of Section 106 of the Transfer of Property Act was complied, the trial Court allowed the suit filed by the landlord and the First Appellate Court dismissed the appeal. I do not see any error in the concurrent finding of fact arrived at by trial Court and the First Appellate Court. No substantial question of law is made out in this appeal and therefore the Second Appeal is not maintainable.

4. Alternatively, learned counsel for the appellant sought to contend that the appellant seeks some more time for vacating the subject premises. However, no such relief can be granted in a Second Appeal where no substantial question of law arises and appeal is liable to be dismissed.

5. The Second Appeal is accordingly dismissed. However, this order does not come in the way of the appellant filing an appropriate application before the First Appellate Court seeking extension of time for vacating the premises if it is otherwise permissible in law and it is for that Court to consider the same. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:16.10.2019

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