

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

AS NO: 538 OF 2011

Appeal under Section 96 of Civil Procedure Code, against the judgment and Decree dated 30.03.2011 in OS.No.287 of 2008 on the file of the Court of the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, Hyderabad
Between:

M/s. Kakarania Plastometals Pvt. Ltd., Having Office at S-5, Technocrat Industrial Estate, Phase-I, Balanagar, Hyderabad through its Manager

...APPELLANT/DEFENDANT

AND

1. Smt Saraswathi Gupta, W/o. R.P.Gupta Housewife R/o. 14-2-332/F, Gyanbagh Colony, Presently 5-5-56/1, 1st Floor, Darusalem, Hyderabad.
2. Smt Girija Gupta, W/o. Ajay Gupta Housewife R/o. 14-2-332/F, Gyanbagh Colony, Presently 5-5-56/1, 1st Floor, Darusalem, Hyderabad.

...RESPONDENTS PLAINTIFFS

ASMP. NO: 1863 OF 2011

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of the judgment and Decree in OS.No.287 of 2008 on the file of the VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, Hyderabad dated 30.03.2011 during the pendency of the above referred first appeal

IA NO: 3 OF 2018

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass order directing the respondent to pay to the petitioners the arrears of admitted amount of Rs.1,60,000/- being the amount for the months from September, 2017 to June, 2018 @ Rs.16,000/- per month in respect of schedule property bearing Unit No.S-5 in Technocrat Industrial Estate, Phase-I, situated at Balanagar, Hyderabad, admeasuring 777.50 square yards as per the interim order of this Hon'ble Court, to pay arrears of electricity charges of Rs.37,656/-, arrears of property tax of Rs.6,81,753/- and difference of rent in lieu of dishonour of cheques of Rs.86,000/-, totaling to a sum of Rs.9,65,409/- and also to pay the arrears of mesne profits @ Rs.30,000/- per month from January, 2008 till June, 2018 by adjusting the amounts paid, and on failure of the respondent to pay the same, to strike of the defence in case/dismiss appeal in the interest of justice

Counsel for the Appellant: SRI S LAKSHMI KANTH

Counsel for the Respondents: SRI SHYAM S AGRAWAL

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

A.S.No.538 OF 2011

JUDGMENT:

No representation for the appellant/defendant, in spite of listing the matter under the caption 'for orders'. It appears, the appellant/defendant has no interest to pursue the appeal.

2. Learned counsel for the respondents/plaintiffs is present and would submit that the suit schedule property was already vacated by the appellant/defendant and possession was delivered to the respondents/plaintiffs.

3. In view of the same, the appeal is dismissed for default.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

//TRUE COPY//

**SD/-K.SRINIVASA RAO
DEPUTY REGISTRAR**


SECTION OFFICER

To,

- 1 The VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, (with records)
- 2 One CC to Sri S Lakshmi Kanth Advocate [OPUC]
- 3 One CC to Sri Shyam S Agrawal, Advocate [OPUC]
- 4 Two CD Copies

JR
JM



HIGH COURT

DATED:13/03/2020

ORDER

AS.No.538 of 2011



DISMISSING THE APPEAL SUIT FOR DEFAULT
WITHOUT COSTS

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HMD
05/12/2020