

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

IA No. 1 OF 2024

IN

SECOND APPEAL NO: 212 OF 2023

Between:

1. M/s. Vijaya Sweets, Rep. by V. Nageshwara Rao (Died as per L.Rs) R/o. Shop No.1 Nutan Bhavan, Municipal No. 4- 4- 2, Sultan Bazar, Hyderabad.
2. Smt. V. Sai Lakshmi, W/o. Late V. Nageshwar Rao, Age. 70 years, Occ. Housewife R/o. Shop No.1 Nutan Bhavan, Municipal No. 4- 4- 2, Sultan Bazar, Hyderabad.
3. Mr. V. Rajesh, S/o. Late V. Nageshwar Rao, Age. 53 years, Occ: Business R/o. Shop No.1 Nutan Bhavan, Municipal No. 4- 4- 2, Sultan Bazar, Hyderabad.
4. Mr.V.Rakesh,, S/o. Late V. Nageshwar Rao Age. 48 years, Occ. Business R/o. Shop No.1 Nutan Bhavan, Municipal No. 4- 4- 2, Sultan Bazar, Hyderabad.

...PETITIONERS/APPELLANTS

AND

Sri Gujarati Pragati Samaj, Rep by its Secretary Mr. Rajesh C Shah, Son of Chunnilal Shah, Aged about 44 years, Having its registered office at 4- 3 -259, Bank Street,Koti Hyderabad

...RESPONDENTS/PLAINTIFF

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to enlarge the extended time granted by this Hon'ble Court by order dated 04-05-2023 by six months.

Counsel for the Appellants : Mr. G. VASANTH RAYUDU

Counsel for the Respondent : SRI. S. BALCHAND

The Court made the following:

This application is filed by the petitioners seeking for enlargement of time granted by this Court by judgment dated 04.05.2023 in S.A. No.212 of 2023 by six (6) months to vacate the tenanted premises.

The Second Appeal in S.A. No.212 of 2023 preferred by the petitioners, was dismissed by judgment dated 04.05.2023 granting nine (9) months time to vacate the tenanted property. Learned counsel for the petitioners submitted that the petitioners had been running sweet shop in the tenanted property since long time. Petitioner No.2, the mother of petitioners No.3 and 4, has fallen sick and underwent spinal surgery. The petitioners No.3 and 4 were compelled to attend her by devoting their time for her mobility. Petitioners No.3 and 4 lost their father and there is no one to assist them. In such circumstances, the petitioners could not get alternative accommodation.

Learned counsel further submitted that the petitioners herein desperately tried to shift the shop even to remote and far off places but could not get any alternative premises. All the family members of the petitioners are dependent on the sweet shop business which was established by the father of petitioners No.3 and 4. The petitioners are facing financial crisis and thus requested for enlargement of time for vacating the tenanted premises by another six (6) months.

Learned counsel for respondent - landlord submitted that despite his request not to grant time more than six (6) months, this Court granted nine (9) months of time as against the request of the petitioners for one (1) year of time. Thus, sufficient time was granted by this Court. The petitioners are trying to continue in the premises by citing frivolous grounds and that the petitioners are not fair in contending that alternative accommodation is not available.

Heard learned counsel for the petitioners and learned counsel for respondent - landlord.

The respondent - landlord filed suit for eviction in O.S. No.669 of 2013 against the petitioners on the file of learned I Senior Civil Judge, City Civil Court, Hyderabad and the same was decreed by judgment and decree dated 29.04.2016. The petitioners preferred appeal in A.S. No.135 of 2016 challenging the judgment and decree dated 29.04.2016 in O.S. No.669 of 2013 and the same was dismissed by judgment dated 23.01.2023. Thereafter, the petitioners preferred second appeal in

S.A. No.212 of 2023 challenging the order dated 23.01.2023 passed by the lower appellate Court and the same was dismissed by judgment dated 04.05.2023.

In all probability, the petitioners, who suffered judgment at three levels, could have made alternative arrangements for shifting their business premises. Though there was stiff opposition by the respondent not to grant six (6) months time, this Court granted nine (9) months time, taking into consideration the fact that the petitioners had been running business in the tenanted property since long time. However, the petitioners could not utilize the nine (9) months time granted by this Court to secure alternative premises.

As the reasons cited by the petitioners are not convincing, this Court is not inclined to extend the time of nine (9) months already granted to the petitioners *vide* judgment dated 04.05.2023 in S.A. No.212 of 2023. However, since the time granted to the petitioners is expiring tomorrow, four (4) weeks time is granted to the petitioners to handover the possession of the tenanted property to the respondent - landlord.

The petitioners are directed to file affidavit within three (3) days from today undertaking to hand over the possession of the tenanted property to the respondent - landlord on or before 01.03.2024. If the possession of the tenanted property is not handed over by 01.03.2024, the petitioners may have to face legal consequences.

This application is ordered accordingly.

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



//TRUE COPY//

SECTION OFFICER

To,

1. The XXVI Additional Chief Judge, City Civil Court at Hyderabad.
2. The I Senior Civil Judge, City Civil Court at Hyderabad.
3. One CC to Mr. G. VASANTH RAYUDU, Advocate [OPUC]
4. One CC to SRI. S BALCHAND, Advocate [OPUC]
5. Two CD Copies

DL 

HIGH COURT

DATED:02/02/2024

ORDER

IA. No.1of 2024

IN

SA.No.212 of 2023



ORDERING THE APPLICATION

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MMA
3/2/24