



[3442]
2025:TSHC:55339

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

SECOND APPEAL NO: 413 OF 2025

Appeal under section 100 of C.P.C against the Judgment and Decree Dated 22-07-2025 made in A.S. No. 7 of 2019 on the file of the Court of the VI Additional District Judge, Rangareddy District at Kukatpally preferred against the Judgment and Decree passed in O.S.NO. 302 of 2008 dated 03-12-2018 on the file of the Court of the I Additional Junior Civil Judge, Cyberabad, Kukatpally at Prasanth Nagar.

Between:

1. M/s Radha Foods Beverages, Rep by its Proprietor Smt. R.Radha Devi, W/o R.V.Narayana Rao, Aged about 65 years
2. Smt.R.Radha devi, W/o R.V.Narayana Rao, Aged about 65 years, Occ Business, Proprietor of M/s Radha Foods Beverages, R/o Plot No.304, Jalavayu Vihar, Kukatpally, Hyderabad - 500072.

...Appellants/Appellants/Defendants

AND

L and T Info City Limited, a Company incorporated Under the Companies Act, 1956 and having its registered Office at 1 Q4-A1, 1st Floor, Cyber Towers, Hi-Tech city, Madhapur, Hyderabad.

...Respondent/Respondent/Plaintiff

IA NO: 1 OF 2025

Petition under Order XLI Rule 5 R/w 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 all further proceedings in E.P.No.222 of 2022 in O.S.No.302 of 2008, on the file of I Additional Junior Civil Judge, Cyberabad, Kukatpally at Prasanth Nagar, including eviction of the petitioner from the EP schedule property, pending disposal of the appeal.

Counsel for the Appellant :SRI P SUBASH

Counsel for the Respondent: SRI SRINIVAS MANTHA

The Court delivered the following: Judgment

**THE HONOURABLE SMT. JUSTICE RENUKA YARA****SECOND APPEAL No.413 of 2025****JUDGMENT:**

Heard Sri P. Subash, learned counsel for the appellants/defendants and Sri Srinivas Mantha, learned counsel for respondent/plaintiff, on admission. Perused the record.

2. This Second Appeal is preferred aggrieved by the judgment and decree dated 22.07.2025 in A.S.No.7 of 2019 on the file of the IV Additional District Judge, Ranga Reddy District at Kukatpally ('First Appellate Court'), confirming the judgment and decree dated 03.12.2018 in O.S.No.302 of 2008 on the file of the I Additional Junior Civil Judge, Kukatpally, Ranga Reddy District ('Trial Court') wherein the suit filed seeking eviction and mesne profits, has been decreed.

3. The suit in O.S.No.302 of 2008 was filed by the respondent against the appellants herein. In said suit, the relationship of landlord and tenant is admitted and no evidence is led by the appellants herein. Therefore, on the basis of evidence adduced by the respondent, the suit was decreed directing the appellants herein to vacate the suit premises and to pay an amount of Rs.52,826/- towards arrears of rent. Aggrieved by the same, the appeal in



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A.S.No.7 of 2019 was preferred before the First Appellate Court. The First Appellate Court confirmed the judgment and decree passed by the Trial Court. Challenging the same, the preset appeal is preferred raising the following substantial questions of law:

1. Whether the Courts below erred in law by failing to properly interpret and apply the provisions of the Rent Control Act, 1948 (or relevant State Rent Act), thereby ignoring the statutory protection afforded to the tenant against eviction, particularly in the absence of a bonafide requirement or valid ground under the Act?
4. The issue is between landlord and tenants. The appellants herein have taken the premises on lease from respondent company for running a coffee centre in the year 1999 under Memorandum of understanding dated 08.05.1999 /Ex.A9. Fresh Memorandum of understanding was entered on 16.05.2001/Ex.A10 and the appellants continued with lease and thereafter suit for eviction was filed in the year 2008 by issuing a legal notice dated 18.03.2008/Ex.A6 terminating the tenancy. In said suit, the appellants have admitted the jural relationship of landlord and tenant but denied default in payment of rents. Having filed written statement, the appellants herein failed to enter the witness box to support their pleadings. On the basis of evidence of PW1 and Exs.A1 to A10 consisting of Ex.A1/Attested copy of Certificate of incorporation dated 11.04.1997, Ex.A2/Copy of Board



Resolution dated 16.11.2001 and minutes of meeting held on 22.11.2011, Ex.A3/True copy of Memorandum of understanding, Ex.A4/Certified copy of order dated 07.06.2007 issued by AJCJ, R.R.District, Ex.A5/Certified copy of statement of accounts dated 01.04.2008 to 10.07.2008, Ex.A6/Office copy of legal notice dated 18.03.2008, Ex.A7/Postal acknowledgment in respect of Ex.A6, Ex.A8/Unserved postal cover with an endorsement 'not claimed', Ex.A9/Memorandum of understanding entered into between L&T Info City Limited, Hyderabad and Radha Foods and Beverages dated 08.05.1999 and Ex.A10/Memorandum of understanding entered into between L&T Info City Limited, Hyderabad and Radha Foods and Beverages, dated 16.05.2001, the suit has been decreed. The same has been confirmed by the First Appellate Court.

5. The concurrent finding of facts by the Trial Court and the First Appellate Court cannot be looked into in a Second Appeal. As per judgment of the Hon'ble Supreme Court of India in **Hemavathi v. V. Hombegowda**¹, when there is no evidence on the part of the appellants herein, when the facts stated by the respondent are unchallenged, there can be no question of dispute either with respect to facts or questions of law.

¹ (2025) 5 SCC 442

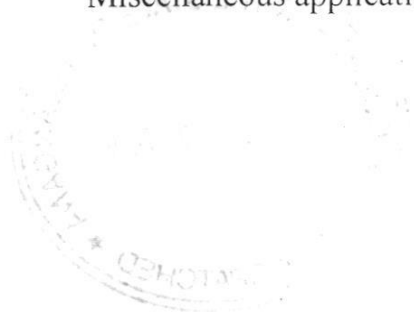


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As such, there are no merits in the Second Appeal and the same is liable to be dismissed.

6. In the result, the Second Appeal is dismissed at the stage of admission. No costs.

Miscellaneous applications, if any, pending shall stand closed.



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Sd/- V. KAVITHA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The VI Additional District Judge, Rangareddy District at Kukatpally
2. The I Additional Junior Civil Judge, Cyberabad, Kukatpally at Prasanth Nagar
3. One CC to SRI P SUBASH, Advocate [OPUC]
4. One CC to SRI SRINIVAS MANTHA, Advocate [OPUC]
5. Two CD Copies

ADK/SA

Kr



2025:TSHC:55339

HIGH COURT

DATED:23/10/2025

JUDGMENT

SA.No.413 of 2025



DISMISSING THE SECOND APPEAL AT THE STAGE
OF ADMISSION

WITHOUT COSTS

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