

SUPREME COURT OF INDIA

Bansilal Mohanlal Maheshwari

Vs.

Dr. Prabhakar Laxmishankar Rasane

C.A.No.48 of 1975

(V. R. Krishna Iyer, A. C. Gupta and N. L. Untwalia, JJ.)

06.01.1976

JUDGEMENT

KRISHNA IYER, J.:-

1. This appeal by special leave can be disposed of by a brief order. The subject matter relates to an application for eviction under the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 on the surviving ground of arrears of rent. The contract rent was Rs. 73/- per mensem, but the tenant on receiving notice for eviction on the scope of default in payment of rent rushed to the rent court for fixation of standard rent. Ultimately, the rent court, the appellate court and the High Court upheld the contract rent as the standard rent. Since, then, the entire rent on this footing has been paid. So much so, the eviction petition whose fate depends upon arrears of rent for more than six months has no legs to stand on. It is fairly conceded by the appellant's counsel that in case the respondent-tenant assures this Court that he will not hereafter default in payment of rent, the matter can be disposed of by dismissing the appeal, now that all the arrears of rent have been cleared. Counsel for the respondent assures that his client will not default in payment of rent on or before the 10th of every succeeding month according to the contract rent or standard rent that may later be fixed. In this view, there is no need to proceed on the merits of the matter. The appeal is dismissed, but, in the circumstances, the parties will bear their costs.

Appeal dismissed.