

Muni Lal and Others

Vs

Prescribed Authority and Others

Civil Appeal No. 657 of 1976

(P.N. Bhagwati, V.R. Krishna Iyer, Syed M. Fazal Ali JJ)

20.09.1976

JUDGMENT

BHAGWATI, J. –

1. The only ground on which the decision of the High Court is challenged in this appeal is that the High Court has not examined the question of comparative hardship of the landlord and the tenant in rejecting the writ petition of the appellant. We find that the prescribed authority did consider the comparative hardship of the landlord and the tenant in the light of the evidence before it and came to the conclusion that the need of the landlord was greater than that of the tenant. The District Judge also affirmed this view in appeal and when the matter came to the High Court by way of writ petition, the High Court also pointed out in its judgment that "on perusal the appellate Court found that the need of the respondent 3 was greater than that of the petitioners. This is also a finding of fact and it is not possible to disturb the same in these proceedings". There can be no doubt that a finding that the need of respondent 3, landlord was greater than that of the appellant/tenant is a finding of fact and when the High Court has refused to interfere with this finding of fact, we cannot find fault with the High Court, even if the findings were wrong on the evidence before the Court. It is not for the High Court in the exercise of its jurisdiction under Article 226 of the Constitution to reappraise the evidence and come to its own conclusion which may be different from that reached by the District Judge or the Prescribed Authority. We do not, therefore, see any reason to interfere with the decision of the High Court.

2. We accordingly, dismiss the appeal but in view of the facts and circumstances of the case, we grant time to the appellant to vacate the premises on or before June 30, 1977. The appellant undertakes that he will hand over vacant and peaceful possession of the premises to respondent 3 also by June 30, 1977 and respondent 3 also undertakes that he will use the premises for occupation by himself and the members of his family and will not let out the premises or part with the possession or occupation of the premises in favor of anyone else for a period of three years from today. There will be no order as to costs.

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