

Belde Venkatesham

Vs

Chokkarapu Lakshmi Narasiah

Civil Appeal No. 726 of 1976

(R. S. Sarkarkaria, V. R. Krishna, Iyer, Jaswant Singh JJ)

15.03.1977

JUDGMENT

KRISHNA IYER, J. –

1. This appeal by special leave assails the order of the High Court affirming the decision of the appellate Court directing eviction of the appellant-tenant from the building belonging to the landlord-respondent who applied for eviction on the ground of bona fide requirement to commence a business. Both the landlord and the tenant are hardware merchants in the same area. The landlord purchased the property apparently for the purpose of setting up his sons to start a hardware business and after buying the property sent a notice to the tenant-appellant demanding surrender of possession. Thereafter, proceedings were instituted for recovery of possession on the ground of bona fide requirement as stated above. The trial Court dismissed the eviction petition but the appellate Court upheld the bona fide requirement set up by the landlord. The High Court affirmed the view taken by the appellate Court.

2. We have heard counsel on both sides and are satisfied that there is hardly any substance in the appellant's contention. Even so the fact remains that for 27 years the appellant has been doing hardware trade in the suit premises and it would be a hardship for him to be ejected outright. We consider it right to grant him time till April 13, 1978 to surrender vacant possession of the premises to the landlord-respondent. Counsel for the appellant on behalf of his client undertakes to give vacant possession on or before April 13, 1978. On this undertaking we direct that no eviction proceedings shall be taken out by the respondent till that date.

3. We dismiss the appeal subject to the above condition regarding time for surrender of possession and direct that the parties shall bear their costs throughout.

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