

Smt. Sewa Devi

Vs

Bipan Behari Tawekley and Others

Civil Appeal No. 707 of 1981

(CJI Y.V. Chandrachud, R.B. Misra JJ)

18.02.1981

ORDER

1. Heard counsel. Special leave granted.

2. By consent, we order that :

1. The petitioner appellant and respondent 2 will hand over possession of the second floor which is in their occupation within a period of one month from today;

2. The petitioner and respondent 2 will continue to occupy the premises in their possession on the first floor for a period of five years from today. For the said accommodation on the first floor they will continue to pay Rs. 250 a month, such amount being payable by the 15th of the month succeeding the month for which it is payable.

3. An undertaking will be filed by (i) the petitioner and (ii) by respondent 2 (Mrs. Krishna Mehra), on her own behalf and on behalf of her minor children respondents 3 and 4, to the effect that they will hand over vacant and peaceful possession of the premises on the first floor as contemplated above, that they will not induct any person or part with possession of the premises to any one and that they will continue to pay the amount as contemplated above.

4. In case of breach of any of the terms above the decree for eviction will be executable forthwith.

3. The appeal shall stand disposal of accordingly.

4. There will be no order as to costs.

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