

Satpal

Vs

Hiralal

Civil Appeal No. 1398 of 1978

(Syed M. Fazal Ali, A. Varadarajan JJ)

25.02.1981

JUDGMENT

FAZAL ALI, J. –

1. We have heard counsel for the parties and have gone through the judgment of the courts below. We find no merit in this appeal. Special leave appears to have been granted only on the question of notice which no longer survives in view of a 7-judge Bench decision of this Court (V. Dhanpal Chettiar v. Yesodai Ammal, (1979) 4 SCC 214) holding that in cases governed by the Rent Act, no notice under Section 106, Transfer of Property Act is necessary unless expressly so provided. The appeal is accordingly dismissed but, in the circumstances, without any order as to costs.

2. Time till September 30, 1981 is allowed to vacate the premises and to hand over vacant possession to the respondent-landlord, subject to filing the usual undertaking within six weeks from today. In the meantime, the appellant shall pay compensation equivalent to rent regularly and will also carry out all necessary repairs at his own costs without being reimbursed by the respondent.

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