

H. C. Heda

Vs

Prem Ratan Gupta

Civil Appeal No. 668 of 1977

(CJI Y.V. Chandrachud, A.N. Sen JJ)

18.03.1981

JUDGMENT

CHANDRACHUD, C.J. –

1. Mr. S. K. Gambhir, who appears on behalf of the appellant-tenant H. C. Heda, has made a statement before us on behalf of the appellant (who is present in court) that the appellant is willing to hand over vacant and peaceful possession of the barsati to the respondent-landlord, Prem Ratan Gupta. Mr. C. P. Lal, who appears on behalf of the respondent says that if the appellant hands over vacant and peaceful possession of the barsati within two weeks from today, the respondent will not be interested in pursuing the eviction proceedings. In view of this arrangement between the parties, which we accept as fair and reasonable in the circumstances of the case, we direct that the appellant shall hand over vacant and peaceful possession of the barsati to the respondent on or before April 1, 1981. On such possession being given, proceedings for eviction which are now taken up by the respondent will terminate and shall not be proceeded with in any form or manner. Mr. Lal has also agreed on behalf of the respondent that so long as the circumstances do not undergo any material or significant change, the respondent will not take any proceedings for eviction of the appellant from the remaining part of the premises. Mr. Gambhir agrees that the appellant will not sublet the house. We might add that in case the appellant is proved to have sublet the house it will be open to the respondent to file a suit for eviction against the appellant.

2. The appellant shall continue to pay the same rent for the remaining part of the premises and shall pay it regularly. The appeal is disposed of in the aforesaid terms with no order as to costs.

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