

Dr. B. M. Joshi

Vs

Second Additional Distt. Judge, Allahabad and Others

Civil Appeal No. 844 of 1986

(Ranganath Misra, M. M. Dutt JJ)

06.01.1987

ORDER

1. It is conceded that during the pendency of the appeal possession of the disputed premises has passed on to the landlord and he is now in possession. In view of this situation the civil appeal has to be dismissed.
2. It was submitted on the earlier occasion that while taking possession some force, not warranted in the facts of the case, had been used. On behalf of respondent 5, the decree-holder, regrets were expressed and that fact has been recorded in the proceedings of the court. Mr. Gopal Subramaniam, appearing for the respondents, states that respondent 5, Mr. Upadhyay has in the meantime, written to the appellant, Dr. Joshi, in that behalf.
3. It appears that Dr. Joshi is a homeopath of repute and is now old. He has dedicated himself to the service of the community. Keeping this aspect in view, this Court has suggested that an alternate accommodation could be looked for him. Some premises have been identified but learned counsel for the appellant say that these are all in the first floor and the appellant on account of his present state of health would not find any of them convenient. We suggest that the Rent Control and Eviction Officer should find out a convenient accommodation for Dr. Joshi and once such accommodation is identified, the same should be allotted to him. This direction is given in consideration of the fact that Dr. Joshi who is said to be over 75 years of age is engaged in philanthropic service to the community. We command the authorities that such allotment may be made at an early date preferably within three months from now.
4. The appeal is disposed of without any order for costs.

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