

**SUPREME COURT OF INDIA**

Rusi Dinshawji Deboo

Vs.

Cawasji Rustomji Patel

C.A.No.1798 of 1982

(A. P. Sen and V. Balakrishna Eradi, JJ.)

27.02.1987

**ORDER**

1. After hearing Shri T. S. Krishnamoorthy Iyer, learned counsel appearing for the appellant we find no reason to differ from the conclusion arrived at both by the High Court as well as by the Appellate Bench of the Small Causes Court Bombay that the appellant who entered into possession on the strength of the letter Exhibit A dated July 1, 1956 did not acquire the status of a sub-tenant. The tenor of the document merely indicates that the appellant was permitted to occupy the portion of the demised premises only as a Paying Guest. this was further confirmed by the letter dated December 12. 1961, Exhibit B (Colly) written by Smt. Pavri. the original tenant to the landlord.

2. Our attention is, however, drawn to an earlier letter dated July 2, 1957, Exhibit B purporting to have been given by Smt. Pavri to the first appellant. In our opinion, this letter does not amount to the creation of a sub-tenancy. In view of this, we dismiss the appeal. But we direct that the decree for eviction shall not be executed against the appellant till March 31, 1987 subject to the condition that the appellant shall file the usual undertaking in this Court within six weeks from today.

Order accordingly.

