

Abdul Rahim

Vs

M/S. Srinivas Dyeing Works and Others

Civil Appeal No. 2969 of 1982

(Sabyasachi Mukharji, G. L. Oza JJ)

24.07.1987

ORDER

1. We have perused the order of the Rent Controller, first appellate court as well as the decision of the High Court. On perusal of these orders we are of the opinion that there is positive adjudication as to whether the plaintiff-respondent bona fide requires the premises in question for his occupation. In that view of the matter the judgment and order of the High Court cannot be sustained. The order of the High court is set aside and matter is remanded back to the said High Court with the direction that the High Court will call for a finding by the Rent Controller as to whether plaintiff-respondent requires the premises in question for his bona fide requirement having regard to all aspects, and will dispose of the appeal before the High Court in accordance with the law. In view of the matter that the dispute is pending for a long time the High Court is requested to make a quick disposal within a period of six months from this date. For this purpose if it is necessary the High Court should call upon the Rent Controller to make positive finding as to whether the appellant/respondent requires the premises in question for his bona fide requirement. The costs of the appeal shall abide by the result in the High Court. Appeal is disposed of accordingly.

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