

State of Rajasthan and Another

Vs

Kanhaiya Lal and Others

Civil Appeal No. 3404 of 1987

(Sabyasachi Mukharji, G. L. Oza JJ)

17.11.1987

ORDER

1. Special leave granted.

2. The order of the High Court is set aside subject to the following condition that the school which is being sought to be evicted by virtue of the order of eviction made before the High Court and the trial court is run by the Government of Rajasthan. The only ground on which the eviction order has been passed is the ground of default in payment of rent. In the interest of justice inasmuch as school is being run by the Education Department, Government of Rajasthan, therefore, it would be appropriate to uphold that order when the appellants are willing to offer and to pay all arrears of rent. There was, however, another ground that is to say the ground of bona fide need of the landlord too, the fact has not been gone into. The proper order insofar as the order of eviction on default in payment of rent, would be to set aside the High Court's order but the suit to proceed before the learned trial judge on the question of bona fide need and the learned judge will hear and decide the same as expeditiously as possible and preferably within a period of six months from today. Until the disposal of the suit the appellants will pay the enhanced rent @ Rs. 500 per month. The first of such payment shall be made from November 1, 1987 and subsequent payment shall be paid by the tenth of each succeeding month. If the appellants so desire they can move the court for fixation of rent but in no case the standard rent will not be less than Rs. 500 per month.

3. The appeal is disposed of accordingly.

</html