

K. Urmila And Others

Vs

Ram Kumar Verma

Civil Appeal No. 841 of 1998

(M. Jagannadha Rao, S. Saghir Ahmed JJ)

17.02.1998

JUDGMENT

M. JAGANNADHA RAO, J. –

1. Leave granted.

2. This is an appeal by the tenant against the judgment of the learned Single Judge of the High Court of Andhra Pradesh in Civil Revision Petition No. 56 of 1994 dated 6-3-1997. By that judgment, the learned Single Judge reversed the concurrent findings of the appellate authority as well as the Rent Controller and ordered the eviction petition in favour of the respondent-landlord.

3. The eviction application was filed by the respondent against appellants in the year 1985 on three grounds namely wilful default, bona fide requirement for self-occupation and sub-letting. The learned Rent Controller by his judgment dated 31-7-1988 dismissed the eviction application.

4. On appeal by the landlord the appellate authority again framed three points for consideration namely with regard to wilful default, bona fide requirement and sub-letting and came to the conclusion that none of the grounds was proved. In the result, the appeal of the landlord was dismissed on 20-9-1993.

5. The landlord then filed revision in the High Court. It was merely observed by the High Court as follows :

"Having gone through the orders of the courts below, I feel that the courts below erroneously came to the conclusion that the petitioner has not made out his bona fide requirement and that his bona fide requirement is arbitrary. There is evidence to show that the landlord requires the premises in question for starting his business. Hence both the orders under revision deserve to be set aside. Accordingly they are set aside."

Having held so, the learned Judge granted two years' time i.e. up to 6-3-1989 for vacation.

6. In this appeal, it is contended by the learned counsel for the tenant that the High Court has not considered and discussed the relevant evidence on the basis of which the Rent Controller and the appellate authority had held that the landlord had not established his bona fide requirement. On the other hand, it is contended for the respondent-landlord that this case is not a fit one for interference by this Court.

7. We are of the view that the High Court while reversing the concurrent findings of the appellate authority and the Rent Controller ought to have considered and discussed the evidence on which the said authorities had held against the landlord. It was not sufficient for the High Court merely to state that there was evidence to show that the bona fides of the landlord was proved. We are, therefore, constrained to set aside the judgment of the High Court and remit the same to the High Court for disposal in accordance with law as early as possible. Appeal allowed and the matter remanded to the High Court accordingly.