

SUPREME COURT OF INDIA

Om Parkash Bansal

Vs.

Bal Kishan Gupta

(V.N. Khare and D. Raju JJ.)

28.03.2000

ORDER

V.N. KHARE, J.

1. The landlord is in appeal before us.
2. Admittedly, the landlord leased out the premises in favour of the respondent-tenant for running a factory. Subsequently, the landlord filed a suit for eviction of the respondent-tenant on the ground that the respondent-tenant has caused substantial damage to the accommodation and further without the permission of the landlord had made construction , which has materially altered the accommodation. The suit was decreed by the trial court. The appeal preferred by the tenant was allowed and the decree of the trial court was set aside. The second appeal filed by the landlord was dismissed.
3. Learned Counsel appearing for the appellant urged that the tenant by demolishing certain portion of the tenanted building and further making construction has caused substantial damage to the premises and further has materially altered the accommodation and, therefore, he, by the said act, has rendered himself liable for ejection from the premises.
4. We have gone through the judgment and find that the lease deed permitted the respondent-tenant to make construction in accordance with his need and that is sufficient to reject the argument of learned Counsel appearing for the landlord. We are in agreement with the view taken by the courts below.
5. The appeal fails and is dismissed. There shall be no order as to costs.