

# SUPREME COURT OF INDIA

Khubi Ram

Vs.

Lalit Mohan

C.A.No.1923 of 2010

(Kurian Joseph and R.Banumathi,JJ.,)

27.07.2017

## JUDGMENT

### **Kurian Joseph,J.,**

1. The appellant, who is the tenant, is before this Court aggrieved by the order passed by the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No.46048/2000 whereby the order delivered by the first appellate authority in the eviction matter has been confirmed.
2. The dispute only pertains to the arrears of rent. The Rent Controller has taken a view that the non-deposit of a portion of the arrears claimed is on account of mistake of fact. However, that contention has not been accepted by the High Court. We are informed that the appellant and his wife are both handicapped and that they have a small tailoring shop and that they have unmarried daughters.
3. The respondent is a Doctor who has retired from Government service and the wife of the respondent is also a Doctor who is retiring shortly. The respondent, who is present before this Court today submits that their children are married and settled in life, however, they require the premises for setting up a clinic. It is submitted that one tenant has already vacated the premises and settlement talks are going on with another tenant for vacating the premises.
4. Be that as it may, having regard to the fact that the appellant is engaged in a small tailoring shop and that he has unmarried daughters as well, and since one more tenant of the premises is yet to be evicted, we find it is only just and fair that reasonable time to settle elsewhere is granted, particularly, taking note of the fact that the entire family is residing within that premises only.
5. Accordingly, the Appeal is dismissed but granting time to the appellant to surrender vacant possession of the premises to the respondent on or before 1st May, 2019.
6. We make it clear that there shall be no further extension of time on any ground.

7. The appellant shall also file an undertaking on usual terms before this Court within four weeks.