

## **Heels Shoe Company vs Mrs Mumtaz Begum on 25 February, 1983**

**Equivalent citations: 1983(1)SCALE244, 1984SUPP(1)SCC503**

**Bench: O. Chinnappa Reddy, R.B. Misra**

### **ORDER**

1. Special leave petition is granted.

2. The tenant of Shop No. 7 in 148, Pantheon Road, Egmore, whose eviction from the premises has been ordered on the ground of 'wilful default' is the appellant in this appeal. We do not think it necessary to narrate the events leading up to the filing of the petition for eviction. Those facts have been set out in the judgment of the Appellate Bench of the Court of Small Causes in detail. We are satisfied that on the facts and circumstances of this case, there has been no wilful, default, though default there might have been. We, therefore, set aside orders of the Subordinate Tribunals and dismiss the petition for eviction. But we make it a condition that the petitioner should deposit a sum of Rs. 5,175/- representing the arrears of rent up to 31st December, 1982 in the Trial Court within six weeks from today. We also make it a condition that the rent for the months of January and February 1983 should be deposited before March 15, 1983, and thereafter the monthly rent should be paid before the 15th of these exceeding month. We further make it a condition that the petitioner should deposit in the trial court an amount representing six months rent by way of advance within six weeks from today. All amounts deposited may be drawn out by the Respondent-Landlady. Subject to these conditions, the appeal is allowed. There will be no order regarding costs.