

Om Prakash Saxena vs Tapeswari Prasad And Ors. on 6 August, 1980

Equivalent citations: AIR1981SC174B, (1981)1SCC430, 1980(12)UJ816(SC), AIR 1981 SUPREME COURT 174(3), 1981 (1) SCC 430 1980 UJ(SC) 816, 1980 UJ(SC) 816

Bench: O. Chinnappa Reddy, R.S. Pathak, V.R. Krishna Iyer

JUDGMENT

V.R. Krishna Iyer, J.

1. Having heard Mr. Jitendra Sharma for the appellant we are satisfied that on the submission which merits consideration is as to the time that we should grant to him for vacating the premises.

2. We have addressed ourselves to the rival submissions and feel satisfied that if the appellant gives an undertaking within one month from today containing two conditions, violation of which will involve instant eviction and proceedings for breach of undertaking, he will be allowed time upto 15th August, 1981 for vacation for possession. The conditions are:

(a) That he will within three months from today deposit in this trial Court the entire arrears of rent and continue to pay rent for every month by the 15th of the succeeding month; &

(b) That he will give vacant possession on or before that date we have fixed and see that he will not alienate or otherwise put in possession of the premises or part thereof any person other than himself.

3. In case the undertaking is not filed in time or if any of the conditions in the undertaking is broken then there will be instant eviction, Subject to these conditions and the filing of the undertaking we dismiss the appeal.