

Supreme Court of India

Gowali Charan vs Surendra Kumar Khandani And Ors. on 24 February, 1987

Equivalent citations: 1987 (35) BLJR 334, JT 1987 (1) SC 625, 1987 Supp (1) SCC 578

Author: A Sen

Bench: A Sen, V B Eradi

ORDER A.P. Sen, J.

1. Having regard to the fact that the entire rent for the period in question from January-February, 1967 to January-February, 1968 had been paid to the plaintiff, we do not think that the High Court was justified in holding that the plea of willful default has been established entitling the plaintiff to a decree for eviction under Section 11(1)(c) of the Bihar Building (Lease, Rent and Eviction) Control Act, 1982. The appeal is accordingly allowed. However, we direct that tenant shall be liable to pay enhanced rent at the rate of Rs. 500/- per mensem with effect from 1-4-1978. This order shall be without prejudice to the rights of the respondents to peruse their claims for eviction on the ground of bona fide requirement under Section 13(1)(c) of the Bihar Building (Lease, Rent and Eviction) Control Act, 1980 which is said to be pending in the Court of Munisif, Gaya. The arrears of rent accrued due up till date at the aforesaid rate of Rs. 500/- per month from 1-4-1978 shall be deposited by the appellant in the Court of Munisif, Gaya within three months from today. In default, the decree for eviction passed against the appellant by the Additional District Judge, Gaya shall stand confirmed and the appeal stand dismissed. The parties will bear their respective costs throughout.