

Supreme Court of India

Draupadi And Ors. vs Gorakhnath Gupta And Ors. on 30 March, 1988

Equivalent citations: JT 1988 (2) SC 239, 1988 Supp (1) SCC 571

Author: R P I.

Bench: R Pathak, M Venkatachaliah, S Natarajan

ORDER R.S. Pathak, C.J.I.

1. Special leave granted.

2. The amount lying in excess with the landlord was admittedly part of the rent paid originally by the tenants at the higher rate. The tenants did not pay the rent due for February and March, 1966. There is no dispute that the amount lying in excess would cover the amount due by way of rent for those two months. It is also not in dispute that the tenants have been depositing the rent regularly ever since.

3. In the circumstances, we allow the appeal, set aside the judgments and orders of the High Court and of the courts below and dismiss the suit for eviction. We may observe that we do not think it necessary in this particular case to consider the operation of the provisions of Sub-section (2) of Section 8 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1977.

4. The appeal is disposed of accordingly. There is no order as to costs.