

Supreme Court of India

Ganapati Sitaram Balvalkar And ... vs Waman Shripad Mage (Since Dead) ... on 10 August, 1981

Equivalent citations: AIR 1981 SC 1956, (1981) 4 SCC 143

Author: A Koshal

Bench: A Koshal, A N Sen

ORDER A.D. Koshal, J.

1. The matter is concluded by the dictum of four Judges in *Jai Singh Murari v. Sovani (P) Ltd.* , to the effect that the transfer of a tenancy after it ceases to be contractual is not permissible under the Bombay Rent Act. This proposition is not controverted by Mr. Lalit, learned Counsel for the petitioners, whom we have heard at length. His main contention, however, is that a dissenting note has been struck by a Bench of three Judges in *Damadilal v. Parashram* . We do not agree. The case cited last did not arise under the Bombay Act but interpreted the provisions of a Madhya Pradesh legislation in regard to landlords and tenants. We may further state that the case first noted is a four Judge decision and is binding on a Bench of three Judges. No question of any dissent such as has been referred to by Mr. Lalit, therefore, arises. *Jai Singh's* case (*supra*) holds the field till today in so far as the Bombay Rent Act is concerned and we are bound by it.

2. In these circumstances we dismiss the petition for special leave.