

Supreme Court of India

Belde Venkatesham vs Chokkarapu Lakshmi Narasiah on 15 March, 1977

Equivalent citations: AIR 1977 SC 1504, (1977) 2 SCC 586, 1977 (9) UJ 441 SC

Author: V K Iyer

Bench: J Singh, R Sarkaria, V K Iyer

JUDGMENT v.R. Krishna Iyer, J.

1. This appeal by special leave assails the order of the High Court affirming the decision of the appellate court directing eviction of the appellant tenant from the building belonging to the landlord-respondent who applied for eviction on the ground of bonafides requirement to commence a business Both the landlord and the tenant are hardware merchants in the same area. The landlord purchased the property apparently for the purpose of setting up his sons to start a hardware business and after buying the property sent a notice to the tenant appellant demanding surrender of possession. Thereafter, proceedings were instituted for recovery of possession on the ground of bonafide requirement as stated above. The trial court dismissed the eviction petition but the appellate court up held the bonafide requirement set up by the landlord. The High Court affirmed the view taken by the appellate court.

2. We have heard counsel on both sides and are satisfied that there is hardly any substance in the appellant's contention. Even so the fact remains that for 27 years the appellant has been being hardware trade in the suit premises and it would be a hardship for him to be ejected outright. We consider it right to grant him time till 13th April, 1978 to surrender vacant possession of the premises to the landlord respondent. Counsel for the appellant on behalf of his client undertakes to give vacant possession on or before 13th April, 1978. On this undertaking we direct that no eviction proceedings shall be taken out by the respondent till that date.