

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 1773 OF 2007

P.MADHAVAIAH Appellant (s)

VERSUS

G.GANGA REDDY Respondent(s)

(With appln(s) for directions and office report)

Date: 05/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s)

Mr. D. Mahesh Babu,Adv.

For Respondent(s)

Mrs. D. Bharathi Reddy,Adv. (Not present)

UPON hearing counsel the Court made the following
O R D E R

The appeal is allowed.

However, the respondent is granted six months time
from today to vacate the suit premises on furnishing usual
undertaking withing six weeks in this Court.

No orders on I.A.

(Deepak Joshi)
Sr. P. A.

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 1773 OF 2007

P.MADHAVAIAH Appellant (s)

VERSUS

G.GANGA REDDY Respondent(s)

O R D E R

Even on second call none appeared for the respondent.

The facts of the case have been set out in the impugned judgment of the High Court and hence we are not repeating the same here.

The appellant is the landlord and the respondent is tenant of the premises in question. An eviction decree was passed by Additional Rent Controller, Hyderabad against the tenant on 07.04.1998 on the ground of willful default in payment of rent and this order was upheld by the First Appellant Court on 13.03.2003, but the High Court in revision set aside this finding of fact by the Courts below.

We are of the opinion that the High Court should not have been interfered with the findings of fact of the courts below.

:1:

:2:

Hence, we set aside the judgment of the High Court and restore the judgments of the First appellant court dated 13.03.2003 and IVth Additional Rent Controller dated 07.04.1998.

However, the respondent is granted six months time from today to vacate the suit premises on furnishing usual undertaking withing six weeks in this Court. The appeal is allowed.

No orders on I.A.

.....J.
[MARKANDEY KATJU]

.....J.
[GYAN SUDHA MISRA]

NEW DELHI;
APRIL 05, 2011