

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5900 OF 2009
(Arising out SLP@No.3797 of 2007)

Banwarilal Mittanlal Gupta ...Appellant

VERSUS

Ashok Girdharlal Shroff & Ors. ...Respondents

ORDER

- 1. Application for substitution is allowed.
- 2. Leave granted.
- 3. Heard learned counsel for the parties.
- 4. This is an appeal by special leave and has arisen from the judgment of the High Court of Gujarat at Ahmedabad affirming the order of eviction filed against the appellant in respect of the property in dispute.

5. In our view, this appeal is concluded by the concurrent findings of fact arrived at by the courts below which cannot be said to be perverse or arbitrary.

6. That being the position, this appeal is dismissed.

7. However, considering the facts and circumstances of the case, six months' time is granted to the

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tenant/appellant to handover peaceful vacant possession of the suit property subject to the condition of submitting usual undertaking before this Court within four weeks from this date. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
.....J.
August 31, 2009.

[R.M.Lodha]

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ITEM NO.201 COURT NO.4 SECTION IX

