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C.A.No. 8389 OF 1995

Item No.102

Court No.9

Section IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.8389 of 1995@@  
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Venkataramanappa

Appellant (s)

Versus

S. Krishnaji Rao

Respondent (s)

( With Office Report )

Dated: 17/04/2001: This matter was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) Mr. Naresh Kaushik, Adv. for  
Ms. Lalita Kaushik, Adv.

For Respondent (s) Mr. PR. Ramasesh, Adv.

UPON hearing Counsel the Court made the following  
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.SP2

The appeal is dismissed. There shall however be no  
order as to costs.

.SP1

(S.Thapar)

(Kanwal Singh) @@

AA  
PS to Registrar Court Master@@  
AA

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8389 OF 1995@@  
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Venkataramanappa

Appellant (s)

Versus

S. Krishnaji Rao

Respondent (s)

O R D E R@@  
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The respondent is the landlord of premises in dispute which is a one room tenement. He owns four such tenements one of which is occupied by him and the other three by the tenants. On the ground that he needs the tenements for his bonafide requirements he initiated eviction proceedings against the tenants including the appellant herein in the Court of XVII Additional Judge, Small Causes under clause (h) of Section 21(1) of the Karnataka Rent Control Act, 1961, (for short 'the Act'). The trial court ordered eviction of tenants in two cases; in the third case it found the plea of comparative hardship in favour of the tenant and dismissed the eviction petition. Those two tenants against whom eviction was ordered, went in revision before the High Court assailing the order of the trial court. During the pendency of the revisions one of the tenants withdrew the revision petition. Consequently, the appellant alone remained in the fray. The High Court dismissed his revision, confirming the order of his

eviction on November 11, 1994. He challenged that order of the High Court dismissing the revision in this appeal.

Mr. Kaushik, the learned counsel appearing for the appellant, submits that the respondent's requirement was to accommodate his brothers and their families in the demised premises and therefore it could not be said to be his bona fide requirement so as to justify the order of eviction against the appellant. A perusal of the order under challenge discloses that both the trial court and the High Court were satisfied with the personal requirement of the respondent. It was found that the respondent had taken voluntary retirement on account of his illness and as he was a bachelor with nobody to take care of him the presence of his brother and their family was necessary and therefore the requirement was not to accommodate his brothers but to take their assistance and help on account of ill health by providing residence to them in his tenements which requirement of the respondent is certainly bona fide. In view of the concurrent findings of the trial court and the High court we do not find any reason to interfere in the order under challenge.

However, Mr. Kaushik contends that as one of the tenants has withdrawn his revision petition, it must be treated as if the need of the landlord is satisfied. This

point was available to the appellant before the High Court but it was not urged. We are, therefore, not inclined to allow him to raise this point in this appeal.

On the request made by Mr. Kaushik to grant some time to the appellant to vacate the premises in dispute we consider it just and appropriate to grant him time to vacate the premises till October 30, 2001 subject to his furnishing a usual undertaking within four weeks from today.

We find no merit in this appeal and we dismiss the same subject to granting of time as aforementioned. There shall, however, be no order as to costs.

.SP1

.....J  
(Syed Shah Mohammed Quadri)

New Delhi,  
April 17, 2001

.....J  
(S.N. Variava)