

C.A.No. 7101 OF 2001

ITEM No.104

Court No. 9

SECTION IVA

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. 7101 of 2001

SHAKUNTALA & ORS.

Appellant (s)

VERSUS

L. SHAIENDRA & ANR. Respondent (s)

Date : 03/09/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Ms. Anjana Chandrashekhar,Adv.  
Mr. P.P. Singh,Adv.

For Respondent (s)Mr. M.S. Ganesh,Sr.Adv.  
Mr. Shantha Kumar Mahale,Adv.  
Mr. Rajesh Mahale,Adv.  
Mr. P. Narasimhan,Adv.

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

Heard the learned counsel for the parties from 3.05 p.m. to 3.40 p.m.

The civil appeal is dismissed.

No costs.

[ T.I. Rajput ] [ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7101 OF 2001

Shakuntala & Ors.

...Appellant(s)

Versus

L. Shailendra & Anr. ...Respondent(s)

O R D E R

Having heard the learned counsel for the parties, we are satisfied that the impugned order does not require any interference by this Court, particularly looking to the findings recorded by the High Court dealing with eviction sought on the ground of Section 21(1)(p) of the Karnataka Rent Control Act, 1961 [for short, 'the Act']. The eviction of the appellants was sought for by the respondents on two grounds, namely under Section 21(1)(l) and Section 21(1)(p) of the Act. The High Court, in the impugned order, has found that the appellants have acquired alternative premises more than one. The learned counsel for the appellants attacked the finding of the High Court contending that no case was made out by the respondents under Section 21(1)(l) of the Act. It may not be necessary for us to consider the contentions relating to Section 21(1)(l) of the Act but the

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findings of the High Court recorded on Section 21(1)(p) of the Act are good enough to maintain the order of eviction. It may also be incidentally noticed that the eviction proceedings were started in the year 1987 by the respondents against the appellants. The High Court, while ordering eviction, granted three years' time to vacate the premises. We do not find any good ground to interfere with the impugned order of eviction. Hence, the appeal is liable to be dismissed. It is, accordingly, dismissed.

At this stage, the learned counsel for the appellants contended that at least one year's time may be granted to vacate the premises in question. The learned counsel for the respondents submitted that, at the most, six months' time may be granted. Having regard to the fact that eviction proceedings are going on since 1987, the High Court had itself granted three years' time to vacate the premises and the appellants have been in occupation of the premises in question as tenants since 1954, we think it is just and appropriate to grant time to the appellants to vacate the premises and to deliver the vacant and peaceful possession to the respondents upto the end of May, 2004, subject to the filing of the usual undertaking within six weeks from today.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[D.M. DHARMADHIKARI]  
New Delhi,  
September 03, 2003.