"ITEM NO.106 COURT NO.10 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. 6326 OF 2001

CHANDRASEKHAR (D) BY LRS. Appellant (s)

VERSUS

HAZIRA BEE Respondent(s)

(With prayer for interim relief and office report)

Date: 29/09/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Appellant(s) Mr. Naresh Kaushik, Adv.

Ms. Shilpa Chohan, Adv.

Mrs Lalita Kaushik,Adv.

For Respondent(s) Mr. Naveen R. Nath,Adv.

Ms. Lalit Mohini Bhat, Adv.

Ms. Hetu Arora, Adv.

Ms. Anitha Shenoy, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed.

No costs.

It is stated by the appellants that they were carrying on business in the shop in question. Six months' time from today is granted to the appellants to deliver peaceful and vacant possession of the property in question to the respondent herein. The appellants shall file an usual undertaking within four weeks' before the Principal Civil Judge, Gulbarga.

[Alka Dudeja] [Om Prakash]

Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6326 OF 2001

Chandrashekhar (D) by Lrs ...Appellant(s)

Versus

Hazira Bee ...Respondent(s)

O R D E R

Heard learned counsel for the parties.

According to the appellant, he was the tenant of the property in question from 1952 onwards. Except the rent receipts, Exhibits P.1 to P.14, the appellant has not produced any material before the Courts below to prove and establish that he was

the tenant from 1952. This apart, Exhibits P.1 to P.14 have not been proved in any manner known to law. The High Court, on appreciation of entire facts and circumstances of the case, reversed the decree passed by the trial court, rightly so in our opinion. No case is made out for interference with the order passed by the High Court.

Accordingly, the appeal stands dismissed.

No costs.

It is stated by the appellants that they were carrying on business in the shop in question. Six months' time from today is granted to the appellants to deliver peaceful and vacant possession of the property in question to the respondent herein.

The appellants shall file an usual undertaking within four weeks' before the Principal Civil Judge, Gulbarga.

.....J.

[DR. AR. LAKSHMANAN)

.....J.

[ALTAMAS KABIR)

New Delhi,

September 29, 2005.