

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCivil Appeal No(s). 5839 OF 2005

RAJ KISHORE MAKANI

Appellant(s)

VERSUS

VIDYA SAGAR (DEAD) THROUGH LRS & ORS.

Respondent(s)

J U D G M E N TKURIAN, J.

1. The appellant-tenant has challenged the order dated 29.01.2004 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Revision No. 490 of 2004.

2. The High Court concurred with the concurrent findings recorded by the Rent Controller and the Appellate Authority and dismissed the Revision. Though the learned counsel made a persuasive attempt to say that there is perversity in the findings recorded by the Rent Controller, the Appellate Authority and the High Court, having gone through the materials available on record, we see no reason to take a different view, which is concurrently taken by all the three Forums. The bonafide requirement of the respondents is an undisturbed finding. There is also no basis for the challenge to their title. The

clear finding is that the respondents had become owners of the premises.

3. The appeal is, accordingly, dismissed.

4. However, the appellant is granted time up to 31st December, 2017 to hand over the vacant and peaceful possession of the premises in question to Respondent No. 1, who shall take possession for and on behalf of the other respondents, subject to filing the usual undertaking in this Court within a period of two weeks from today.

5. Towards use and occupation charges, the appellant shall pay Rs. 500/- (Rupees Five Hundred) per month with effect from March, 2017 to Respondent No. 1.

Pending interlocutory applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A. M. KHANWILKAR]

New Delhi;
February 15, 2017.

ITEM NO.101

COURT NO.7

SECTION IV

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

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(with office report)

Date : 15/02/2017 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s) Mr. R. D. Upadhyay, Adv.

For Respondent(s) Mr. Pardeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Ms. Mansi Gupta, Adv.
Dr. Mrs. Vipin Gupta, Adv.
Mr. K. K. Mohan, Adv.UPON hearing counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed non-reportable
JudgmentPending interlocutory applications, if any, stand disposed
of.(Jayant Kumar Arora)
Court Master(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)