

<ITEM NO.130

COURT NO.8

SECTION XIIA

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(s). 3700 OF 2005

SARDAR MAHENDER SINGH

Appellant (s)

VERSUS

SHEIK BASHEER AHMED & ORS.

Respondent(s)

(With office report)

Date: 16/09/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

Mr. D.B.Vohra, Adv.
Mr. S.K. Sabharwal, Adv.

For Respondent(s)

Mr. K.Maruthi Rao, Adv.for
Mrs. Anjani Aiyagari, Adv.

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

The Appeal is allowed in terms of the signed order.
No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3700 OF 2005

Sardar Mahender Singh

..Appellant

versus

Sheik Basheer Ahmed & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
judgment of the High Court of Judicature at Andhra Pradesh
at Hyderabad dated 7.1.2003.

The landlord-respondent filed an eviction petition seeking eviction of the tenant-appellant on the ground that he required the suit premises for the occupation of the employees working in his tannery.

Section 10(3) of the A.P. Building (Lease, Rent & Eviction) Control Act, 1960 (for short 'the Act') provides as follows:

"10(3) A landlord may subject to the provisions of clause (d), apply to the Controller for an order directing the tenant to put the landlord in possession of the building.

(i) in case it is a residential building

(a) xxx xxx xxx

(b) If the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bonafide requires another building instead, for his own occupation."

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In our opinion, the expression "bonafide requires another building instead, for his own occupation" would at the most mean that the landlord requires it for his own occupation or for the occupation of his family members, but it certainly cannot be extended to mean occupation by employees in his tannery.

For the reasons given above, we set aside the impugned judgment of the High Court and dismiss the eviction petition filed by the landlord-respondent.

The Appeal is allowed accordingly. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
SEPTEMBER 16, 2009.

.....J.
[ASOK KUMAR GANGULY]