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SLP(C)No. 8218 OF 2001

ITEM No.37

Court No. 6

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.8218/2001

(From the judgement and order dated 07/02/2001 in WP 3319/89
of The HIGH COURT OF BOMBAY AT AURANGABAD)

BABULAL VITHALDAS SURATWALA & ORS.

Petitioner (s)

VERSUS

MAYAMUNABAI MUNAWAR ALI & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 21/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Nikhil Sakhardande,Adv.
Ms. Meenakshi Sakhardande,Adv.
Mr. R.D. Soni,Adv.
Mr. S.R. Grover,Adv.

For Respondent (s) Mr. R.N. Keshwani,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S.Krishnan)
Court Master

Signed order is placed on the file.

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6601 OF 2001

(Arising out of S.L.P.© No. 8218/2001)

Babulal Vithaldas Suratwala & ors.

.. Appellant (s)

-vs-

Mayamunabai Munawar Ali & ors.

.. Respondent (s)

O R D E R

Leave granted.

This appeal is at the instance of the tenant. The respondents filed a suit for eviction of the appellants herein. One of the grounds on which eviction of the tenant sought was bona fide need of the landlord. The trial court dismissed the suit and the appeal filed against the said decree was also dismissed. However, the High Court held that the need of the landlord is bona fide and, therefore, the appellants are required to vacate the premises. It is against the said judgment, the appellants have filed this appeal.

We have heard counsel for the parties. Counsel for the parties are agreed that the order under challenge be set aside and the matter may be remitted to the appellate court. We, accordingly, set aside the judgment under challenge and send the matter back to the Extra Assistant Judge, Ahmednagar, to decide the appeal in accordance with law.

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

& & & & & & & ..J.
(V.N. Khare)

& & & & & & & .J.
(B. N. Agrawal)

New Delhi;
September 21, 2001