

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). 884 OF 2006

OM PRAKASH GUPTA

Appellant (s)

VERSUS

RAM PARKASH KOHLI & ANR.

Respondent(s)

(With office report)

Date: 20/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr.M.N.Krishnamani, Sr. Adv.
Mr. K.S.Tomar, Sr. Adv.
Mr. Soumyajit Pani, Adv.
Mr. Amit Kumar, Adv.
Mr. Rajiv Dalal, Adv.for
Mr. Sunil Kumar Jain,Adv.

For Respondent(s) Mr. Anoop Choudhuri, Sr. Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Barsha Misra, Adv.for
Mrs.Shally Bhasin Maheshwari,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.

However, the respondents are given nine months' time
from today to vacate the suit premises subject to their
furnishing usual undertaking before this Court within six
weeks from today.

(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.884 OF 2006

Om Prakash Gupta

..Appellant

versus

Ram Prakash Kohli & Another

..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 Madhya Pradesh, Bench at Gwalior dated 21st February, 2005.

The facts in detail have been set out in the impugned judgment as well as in the judgment of the trial Court and hence we are not repeating the same here.

The appellant is a landlord of the premises in dispute and the respondents are the tenants. The appellant filed a suit for eviction of the tenants on the ground of bona fide need. That suit was decreed by the trial Court but that judgment of the trial Court was reversed by the High Court and hence this appeal.

It has come on record that the appellant-landlord has done his M.B.B.S. in the year 1975 and started his medical practice. Thereafter, it appears, for setting up blood bank, x-ray machine and pathological lab etc. in his nursing home, he wants further accommodation which were tenanted to the respondents. In our view, the need of the

-2-

appellant is certainly a genuine need and hence the High Court has erred in reversing the judgment of the trial Court.

For the reasons given above, this appeal is allowed, the impugned judgment of the High Court is set aside and that of the trial Court is restored. No costs.

However, the respondents are given nine months' time from today to vacate the suit premises subject to their furnishing usual undertaking before this Court within six weeks from today.

.....J.

[MARKANDEY KATJU]

NEW DELHI;
APRIL 20, 2010

.....J.
[A.K. PATNAIK]