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C.A.No. 2520 OF 2000
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2520 OF 2000

Pradeep Kumar & Ors. ...Appellant(s)

Versus

Kamal Kishore & Ors. ...Respondent(s)

O R D E R

An application filed by the landlord-respondent seeking eviction of the tenant-appellant on the ground available under clause (a) of sub-Section (1) of Section 21 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 was allowed by the Prescribed Authority, Etawah. The learned Authority found that the building is bona-fide required by the landlord-respondent for occupation by his son for starting his own business activity. Not only there is a finding of fact recorded by the Prescribed Authority on the question of bona-fide requirement, the Authority has also found that there is no other alternate accommodation available to the plaintiff-landlord to satisfy the said requirement. The question of comparative hardship was also gone into and answered in favour of the respondent. All these findings have been maintained by the learned Additional District Judge in appeal.

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The attention of the Appellate Authority was invited to a subsequent event by the tenant-appellant submitting that during the pendency of the proceedings, the landlord has come into possession of some other premises which would satisfy his requirement. The learned appellate authority has gone in-depth into the merits of the plea so raised and discarded the plea by holding that though the landlord had secured a decree for eviction against another tenant, but he never came into possession of the said property and that had to be alienated in favour of the occupants to conclude the litigation. Even otherwise, we find from the perusal of the documents available on record that the alleged alternate accommodation is nothing but a piece of land with a dilapidated structure thereon and it was in this condition when it was sold. The High Court, in a writ petition filed by the tenant under Article 226 of the Constitution, seeking a writ of certiorari, has liberally gone into all the contentions raised on behalf of the tenant, petitioner before, it and discarded all the submissions as devoid of any merit. At the end, the High Court allowed the tenant six months' time to vacate the premises.

We have heard the learned counsel for the parties at length and we are satisfied that no fault can be found with any of the findings arrived at by the High Court or the

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authorities below. All the findings are purely of facts with which no fault can be found. The appeal is devoid of any merit and liable to be dismissed. It is dismissed with costs.

.....J.
(R.C. LAHOTI)

.....J.
(ASHOK BHAN)

New Delhi,
July 23, 2003.

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.2520 of 2000

PRADEEP KUMAR & ORS.

Appellant(s)

VERSUS

KAMAL KISHORE & ORS.
(With office report)

Respondent(s)

Date : 23/07/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant (s)Mr. Tara Chandra Sharma, Adv.
Mr. Rajeev Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Ajay Sharma, Adv.

For Respondent (s)Mr. Rakesh K. Sharma, Adv.

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

Heard the learned counsel for the appellants for twenty minutes and the learned counsel for the respondent for five minutes.
The appeal is dismissed with costs.

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master

Signed order is placed on the file.