

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2025
(Arising out of SLP (C) Nos. 9872-9873 of 2019)

KALLA RAMARAO

Appellant (s)

VERSUS

RAMAYANAM SAI
PRASADA RAO @ BABJI & ORS.

Respondent(s)

O R D E R

1) Leave granted.

2) In the proceedings seeking eviction on the ground of *bona fide* need, the trial Court *vide* order dated 11.07.2011 decreed the eviction petition. The first appellate Court set aside the same *vide* judgment dated 28.08.2012 on the ground that the *bona fide* need ceased to exist after the landlord came into vacant possession of one shop adjacent to the suit shop in Eviction Petition No. 37/2006. The High Court in revision confirmed the findings of the

first appellate court *vide* the impugned order dated 04.10.2017 and held that it was not the case of the landlord that the other shop was not suitable to carry on the proposed business as such, the *bona fide* need ceases to exist.

3) Having considered the fact that the need was pleaded by the landlord for himself and that has been proved. It is the choice of the landlord to ask for eviction of the premises because he is the best judge to select the premises which is on tenancy, and can initiate proceedings. In addition, the need as projected has been established from the findings recorded by the trial Court. In our view, the first appellate Court and the Revisional Court were not justified to set aside those findings in a case where the need is genuine and if the choice of the landlord is paramount, to accept the plea taken by defendant regarding availability of alternative accommodation is of no avail on the facts.

4) In view of the foregoing, we set aside the judgment of the first appellate Court and of the

High Court, restoring that of the trial Court.

5) At this stage, learned counsel for the respondent prays for some time to vacate the premises. In the facts and circumstances, time to vacate the suit property up to 30.11.2025 is granted, subject to payment of arrears of rent within one month and regular rent on month to month basis. The respondent is directed to hand over the peaceful vacant possession of the premises to the appellant on or before 30.11.2025 and shall not part with or create third party right therein. A usual undertaking shall be filed within a period of six weeks from today before the Registrar (Judicial) of the High Court. Non-filing of the undertaking shall give a cause to the landlord to execute the decree and the time for vacation as specified above shall not have any bearing to the execution proceedings. Defiance of the above terms, if any, may be treated as non-compliance of the order of this Court.

6) The amount of rent which is lying with the trial Court is permitted to be withdrawn by the

appellant.

7) Accordingly, the civil appeals stand allowed. Pending application(s), if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ARAVIND KUMAR]

New Delhi;
April 09, 2025.

ITEM NO.32

COURT NO.5

SECTION XII-A

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 (C) Nos. 9872-9873/2019

[Arising out of impugned final judgment and order dated 04-10-2017 in CRP No. 2411/2013 04-10-2017 in CRP No. 2668/2013 passed by the High Court of Judicature at Hyderabad for The State of Telangana and The State of Andhra Pradesh]

KALLA RAMARAO

Petitioner(s)

VERSUS

RAMAYANAM SAI PRASADA RAO @ BABJI & ORS.

Respondent(s)

(IA No. 169665/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) :

Mr. M. Vijaya Bhaskar, AOR
Ms. Majjari Umesh, Adv.

For Respondent(s) :

Mr. M Srinivas R Rao, Adv.
Mr. Abid Ali Beeran P, AOR
Mr. Saswat Adhyapak, Adv.
Ms. Namita Kumari, Adv.

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

- 1) Leave granted.
- 2) The civil appeals stand allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]