

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). 7644 OF 2004

BOARD OF TRUSTEES, PORT OF BOMBAY

Appellant (s)

VERSUS

ASHOK KUNVERJI SHAH AND ANR.

Respondent(s)

(With appln(s) for early hearing and prayer for interim relief and office report)

Date: 15/07/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Parag P. Tripathi, ASG
 Mr. A.V. Rangam, Adv.
 Mr. Buddy A.Ranganadhan, Adv.

For Respondent(s) Mr. Shekhar Naphde, Sr. Adv.
 Mr. Bhargava V. Desai, Adv.
 Mr. Rahul Gupta, Adv.
 Mr. Nikhil Sharma, Adv.
 Ms. Shubhangi, 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 order as to costs.

However, respondents-tenants are granted one year's time from today to vacate the suit premises on furnishing usual undertaking before this Court within six weeks from today. It is made clear that if the respondents do not vacate the suit premises on the expiry of one year's time from today, they shall be evicted by police force.

(Parveen Kr. Chawla)

(Indu Satija)

Court Master

Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7644 OF 2004

Board of Trustees, Post of Bombay

..Appellant

versus

Ashok Kunverji Shah & Another

..Respondents

ORDER

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment of the Bombay High Court dated 4/5th September, 2002 passed in Writ Petition No. 5935 of 1998.

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

The respondent claimed to be a sub-tenant of the premises in dispute of which the appellant is the owner. Evidently, no permission of the landlord was sought for creating any sub-tenancy by the tenant. Once the eviction decree is passed against the tenant, then the sub-tenant goes out along with the tenant.

Accordingly, this appeal is allowed. The impugned judgment of the High Court is set aside and the judgment of the first appellate court is restored. No order as to costs.

However, respondents-tenants are granted one year's time from today to vacate the suit premises on furnishing

-2-

usual undertaking before this Court within six weeks from today. It is made clear that if the respondents do not vacate the suit premises on the expiry of one year's time from today, they shall be evicted by police force.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 15, 2010

.....J.
[T.S. THAKUR]