

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NOS.16378-16379 OF 2013

ADIL JAMSHED FRENCHMAN (D) THR. LRS.

...PETITIONER(S)

VERSUS

SARDAR DASTUR SCHOOL TRUST & ORS.

...RESPONDENT(S)

O R D E R

Heard counsel for the parties at length.

We are not inclined to entertain these special leave petitions as we find no infirmity in the view taken by the High Court that the trial court was justified in recording a finding that the respondents' need for the suit premises was bonafide as they required it for expansion of the educational activity of their institution. The arguments that have been advanced by learned senior counsel for the petitioners-tenants to the effect that the respondents' need is not bonafide as it has entered into a negotiation with Godrej & Boyce Co.Ltd. for selling the land on which the suit premises is situated, is also not sustainable since the negotiations in this regard had taken place way back in the year 1991 which failed. Thereafter in 1993, when the suit was filed, the offer in regard to the suit land made to Godrej & Boyce Co.Ltd. was no longer existing. Thus, on appreciation of the evidence trial court was correct in recording a finding that the respondent-school genuinely and bonafide required the suit premises for expansion of their educational activities. In spite of the arguments advanced by learned senior counsel for the petitioners by taking us meticulously into the evidence recorded by the trial court as also the High Court, we do not feel persuaded to infer that the findings on bonafide requirement of the respondents is perverse so as to give a cause to this Court to entertain these special leave petitions.

Under these circumstances, the petitions are dismissed.

However, considering the fact that the petitioners have been living in the suit premises ever since 1940, we deem it just and appropriate to grant reasonably sufficient time to them to look for an alternative accommodation where they can settle down materially and emotionally. For this purpose, they are granted time till 30th June, 2014 to vacate the suit premises on condition that the petitioners shall pay the rent of the suit premises from the date of the order at the rate of Rs.15,000/- per month to the respondents. The petitioners shall also file the usual undertaking before this Court within four weeks from today.

The special leave petitions are dismissed in the manner indicated hereinabove.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
MAY 08, 2013.

ITEM NO.10

COURT NO.13

SECTION IX

Petitions for Special Leave to Appeal (Civil) No(s).16378-16379/2013

(From the judgement and order dated 11/01/2013 in WP No.2066/2011 dated 01/03/2013 in WP No.2066/2011 of The HIGH COURT OF BOMBAY)

ADIL JAMSHED FRENCHMAN (D) THR. LRS. Petitioner(s)

VERSUS

SARDAR DASTUR SCHOOL TRUST & ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report)

Date: 08/05/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Chander Uday Singh, Sr.Adv.
Ms. Ramni Taneja, Adv.
For Mr. Anil Shrivastav, Adv.

For Respondent(s) Mr. Shyam Divan, Sr.Adv.
Mr. Pratap Venugopal, Adv.
Mr. P.K. Jha, Adv.
Mr. Gaurav Nair, Adv.
Mr. Debarshi Bhuyan, Adv.
For M/S. K.J. John & Co.

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

The special leave petitions are dismissed in terms of the signed order.

| (Neetu Khajuria)

| (Sneh Bala Mehra)

|
| Sr.P.A.

| Court Master

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(Signed order is placed on the file.)