

:%

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1797 OF 2007

M/S RAJESHWAR TRADING COMPANY

APPELLANT

VERSUS

MOHD.ABDUL REHMAN & ORS.

RESPONDENTS

WITH

CIVIL APPEAL NO. 6121 of 2010

O R D E R

Heard Mr. Dhruv Mehta, senior advocate appearing
for the appellants for some time.

We find that on un-controverted facts, the
appellants were liable to eviction under Section 10
(2) (i) of the Andhra Pradesh Buildings (Lease, Rent
and Eviction) Control Act, 1960 and they were not
saved by the proviso of Sub-Section 2. The appellants'
default in payment of the monthly rent gets further
compounded by the finding recorded by the Appellate
Court and affirmed by the High Court that even the
deposits made under Section 8 were in violation of
Rule 5(4) of the Rules framed under the Act.

...2/-

-2-

The point sought to be canvassed by Mr. Mehta,
learned senior counsel appearing for the appellants is
squarely answered, against the appellants, by an
earlier decision of this Court in 'Teegala
Satyanarayana vs. G.S. Bhagwan, (1994) 3 SCC 741
para 3.

We, thus find no merit in the appeals. These
are, accordingly, dismissed.

However, the time allowed to the appellants to
vacate the suit premises is extended till July 31,
2011, subject to filing the usual

undertaking/affidavit before this Court
weeks from today.

within four

.....J.
(Aftab Alam)

.....J.
(R.M. Lodha)

New Delhi,
January 25, 2011.
ITEM NO.103

COURT NO.12

SECTION XIIA

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). 1797 OF 2007

M/S RAJESHWAR TRADING COMPANY

Appellant (s)

VERSUS

MOHD.ABDUL REHMAN & ORS

Respondent(s)

(With appln(s) for permission to file additional documents and office report))

WITH SLP(C) NO. 35757 of 2010
(With prayer for interim relief and office report)
SLP(C) NO. 36049 of 2010
(With prayer for interim relief and office report)
Civil Appeal NO. 6121 of 2010
(With prayer for interim relief and office report)
Civil Appeal NO. 6122 of 2010
(With prayer for interim relief and office report)

Date: 25/01/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Yashraj Singh Deora, adv.
Mr. Rajesh Kumar, adv.
Mr. Sriram Krishna, adv.
Ms. Shobha, Adv.
Mr. Mohinder P. Thakur, Adv.
Ms. Ridhima Garg, Adv.
For M/S Mitter & Mitter Co.

Mr. S. Wasim A. Qadri, Adv.
Ms. Saima Bakshi, Adv.
Mr. Ron Bastian, Adv.
For Mr. Lakshmi Raman Singh, Adv.

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.
Ms. Saima Bakshi, Adv.
Mr. Ron Bastian, Adv.
For Mr. Lakshmi Raman Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A. Nos. 1797/2007 and 6121/2010

The appeals are dismissed in terms of the signed order.

However, the time allowed to the appellants to vacate the suit premises is extended till July 31, 2011, subject to filing the usual undertaking/affidavit before this Court within four weeks from today.

C.A. No.6122/2010 SLP (C)Nos.35757/2010 and 36049/2010

Put up after service of notice is complete in the special leave petitions, which are connected with civil appeal no.6122 of 2010.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master

(Signed order is placed on the file.)