

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16494/2010

(From the judgement and order dated 16/04/2010 in
343/2009 of The HIGH COURT OF CHATTISGARH AT BILASPUR)

SA No.

BAJRANG VYAS

Petitioner(s)

VERSUS

ARVIND HIMMATLAL BATAWIYA

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for
interim relief and office report)

Date: 31/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE C.K. PRASAD
(VACATION BENCH)

For Petitioner(s)

Mr. Arun Kumar Beriwal, Adv.

For Respondent(s)

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

This petition is directed against the judgment of learned Single Judge of Chhattisgarh High Court, who declined to interfere with the judgment and decree dated 20th April, 2009 passed by the XII Additional District Judge, Fast Track Court, Raipur confirming the decree of the eviction passed by the trial Court.

We have heard learned counsel for the petitioner and perused the record. In our view, the concurrent findings recorded by the trial Court and the lower Appellate Court on the issue

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of bonafide necessity of the landlord-respondent and non-availability of the accommodation to him are based on correct appreciation of the pleadings of the parties and evidence produced by them and

the High Court did not commit any error by refusing to entertain the second appeal.

With the above observation, the special leave petition is dismissed.

However, three months' time is allowed to the petitioner to vacate the suit premises subject to his filing usual undertaking before this Court within four weeks from today.

During that period,

the petitioner shall not induct any other person in the suit premises in any capacity.

He shall

also continue to pay to the respondent an amount equivalent to monthly rent by way of damages for use of occupation of the premises.

In case the

petitioner fails to comply with any of the aforesaid conditions, he shall make himself liable to be proceeded against under the Contempt of Courts Act, 1971.

(Neetu Khajuria)
Sr.P.A.

(Phoolan Wati Arora)
Court Master