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SLP(C)No. 18508 OF 2000

ITEM No.205

Court No. 7

SECTION IX
A/N MATTER

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 (Civil) No.18508/2000

(From the judgement and order dated 10/10/2000 in WP 2584/00
of The HIGH COURT OF BOMBAY)

HAJI BIBI ISMAIL

Petitioner (s)

VERSUS

ROSHAN KARAI

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)
(With prayer for interim relief)
(For Final Disposal)

Date : 05/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Uday U. Lalit, Adv.

For Respondent (s) Mr. VN. Ganpule, Sr.Adv.
Mr. Ashok Kumar Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

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

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.SP2

Leave is granted.
The appeal is dismissed. No costs.

.SP1

(S. Thapar) (Kanwal Singh) @@
AA
PS to Registrar Court Master@@
AA

The signed order is placed on the file.

.PL56

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2001@@
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(Arising out of SLP(C)No.18508 of 2000)

Haji Bibi Ismail

Appellant (s)

Versus

Roshan Karai

Respondent (s)

O R D E R@@
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.SP2

Leave is granted.

The appellant is the tenant and the respondent is the landlady. She challenges the order of the High Court in Writ Petition No.2584 of 2000 dated 10th October, 2000. By the impugned order, the High Court declined to interfere with the order passed by the Division Bench of the Small Causes Court, Bombay, in Appeal No.53 of 1998 dated 24th February, 2000, which confirmed the order of eviction of the appellant passed by a learned Single Judge of the Court of the Small Causes at Bombay in R.A.E & R.Suit No.708/2505 of 1980 dated December 17, 1997.

A perusal of the judgments of the Small Causes Courts as well as the High Court shows that the pleas relating to default in payment of rent, acquisition of alternative accommodation by the tenant as well as non-use of the premises for more than six months, are concluded by findings of fact. The High Court is, therefore, justified in not interfering with the impugned order. We do not find any reason to take a different view in the matter.

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However, having heard the learned counsel for the parties and having regard to the circumstances of the case, we grant time to the appellant to vacate the premises till 31st of March, 2002. This is subject to filing a usual undertaking within three weeks from today.

Subject to above observations, the appeal is dismissed. No costs.

.SP1

.....J
(Syed Shah Mohammed Quadri)

New Delhi,
October 05, 2001

.....J
(S.N. Phukan)