

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). 3691 OF 2007

UMABAI W/O MAHADEVRAO TIKEKAR (DEAD) Appellant (s)
THR. LRS.

VERSUS

JAGDISH VITTHALDAS GOTI & ANR. Respondent(s)

(With office report)

Date: 20/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Amit Yadav, Adv. for
Ms. Sujata Kurdukar, Adv.

For Respondent(s) Mr. Satyajit A. Desai, Adv.
Mr. Somanath Padhan, Adv.
Mr. Venkateswara Rao Anumolu, Adv.

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

The Appeal is allowed in terms of the signed order.

However, the respondents are granted six months' time from today to vacate the premises in question subject to filing usual undertaking before this Court within six weeks from today.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

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O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment dated 23.08.2004 of the High Court of Bombay,

Nagpur Bench, in Writ Petition No. 2603 of 1992.

Umabai, who is dead and is represented through her legal heirs, was the landlady of the premises in question who filed an eviction petition against the tenant which was decreed by the trial court and that order was upheld by the appellate authority by its order dated 31.01.1991.

appellate authority was the last court of facts. High Court in writ jurisdiction could not validly interfere with the finding of fact recorded by the appellate authority by its order dated 31.01.1991.

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Hence, the

In our opinion, therefore, the High Court wrongly interfered with the said finding of fact. The appellate authority has held that the landlady is in bonafide need of the premises in question. Merely because the landlady had died during the pendency of the writ petition that will not change the position.

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Accordingly, the Appeal is allowed and the impugned judgment of the High Court is set aside and the order of the appellate authority dated 31.01.1991 is restored.

However, the respondents are granted six months' time from today to vacate the premises in question subject to filing usual undertaking before this Court within six weeks from today.

.....J.
(MARKANDEY KATJU)

NEW DELHI;
JULY 20, 2011

.....J.
(CHANDRAMAULI KR. PRASAD)