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C.A.No. 6296 OF 1998  
ITEM NO.  
1A  
COURT NO.  
1  
SECTION  
IVA

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. 6296 OF 1998

M/s. Mahendra Saree Emporium

...

APPELLANT

VERSUS

G.V. Srinivasa Murthy

...

RESPONDENT

WITH

C.A. Nos. 1440-1441/2004

Date :

27/08/2004

These Petitions were called on for judgment today.

(HEARD BY: HON'BLE THE CHIEF JUSTICE, HON'BLE G.P. MATHUR AND C.K. THAKKER, JJ.)

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant (s)Mr. A. Subba Rao, Adv.

Mr. Chandra Mohan, Adv.

Mr. R.S. Hegde, Adv.

Ms. Savitri Pandey, Adv.

Mr. Chandra Prakash, Adv.

For Respondent (s)Mr. P.R. Ramasesh, Adv.

Ms. Vandana Jalan, Adv.

Mr. G.V. Chandrashekhar, Adv.

Mr. T.N. Rao, Adv.

The Court made the following

J U D G M E N T

Hon'ble the Chief Justice pronounced the judgment of the Court.

C.A. No.6296/1998

The appeal is allowed and the proceedings for eviction are directed to be dismissed in terms of the signed judgment.

C.A. Nos. 1440-1441/2004

The appeals are allowed. The judgment of the High Court is set aside and instead that of the District Judge is restored. However, the decree for eviction shall remain suspended for a period of four

...2/-

- 2 -

months from today subject to the tenant and the sub-tenants filing the usual undertaking within a period of four weeks from today in the Executing Court. The appellant shall be entitled to costs throughout from the respondent-tenant and sub-tenants.

(Ajay Kr. Jain)

Court Master  
(Radha R. Bhatia)  
Court Master

(Two signed reportable judgments are placed on the file)

LIST OF BOOKS

C.A. NO. 6296/1998

- 1.Karnataka Rent Control Act (Old and New)
- 2.1980 (1) SCR, 334 at 338
- 3.1990 (3) SCR, 649 at 682
- 4.1968 (2) SCR, 95 at 98 and 99
- 5.1981 (3) SCR, 553
- 6.1994 (2) SCC, 642
- 7.1959 Supp. 1 SCR, 968 at 971
- 8.1974 (2) SCR, 524
- 9.1987 (3) SCC, 538
- 10.1987 (3) SCR, 289
- 11.2004 (4) SCALE, 867 = 2004 (4) SCC, 794
- 12.1963 Indian Appeals, 126
- 13.1955 (1) SCR, 267 = AIR 1954 SC 520
- 14.1991 (4) SCC, 584 at 625, 627
- 15.1977(3) SCC, 317
- 16.ILR 2002 Karnataka 553 at 557
- 17.1988 (1) SCC, 70
- 18.1989 (Supp 2) SCR, 465