

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).937/2008

(From the judgement and order dated 28/06/2007 in CRP No.266/2007
of The HIGH COURT OF MADRAS)

SUSHEELA BAI Petitioner(s)

VERSUS

KOLLA RAVINDRA @ K.RAVI Respondent(s)

(With office report)

Date: 23/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Lakshmi Narayanan, Adv.
Mr. V. Ramasubramanian, Adv.

For Respondent(s) Mr. K.G. Gopalakrishnan, Adv.
Mr. Zeba Khair, Adv.
Mr. S. Balaji, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard learned counsel for the parties.

The appeal is, accordingly, allowed.

[Alka Dudeja] [Savita Sainani]
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1809 OF 2009
(Arising out of S.L.P. (C) No.937 if 2008)

Susheela Bai ...Appellant(s)

Versus

Kolla Ravindra (alias) K. Ravi ...Respondent(s)

O R D E R

Leave granted.

By an order dated 11.11.2005, XIV Judge, Small Causes Court, Chennai allowed the petition filed by the respondent for eviction of the petitioner on the ground specified in Section 14(i)(b) of the Tamilnadu Buildings (Lease and Rent Control) Act, 1960 (for short 'the Act'). He referred to the evidence of the parties and recorded a specific finding that the landlord immediately requires the premises for demolition and reconstruction. The Rent Control Appellate Authority dismissed the appeal preferred by the tenant (petitioner herein) and confirmed the eviction order passed by the Small Causes Court. However, the High Court allowed the civil revision, set aside the order of eviction on the grounds set out in Section 14(i)(a) of the Act and dismissed the eviction petition.

We have heard the learned counsel for the parties. Undisputedly, the Small Causes Court and Rent Control Appellate Authority, after a comprehensive evaluation of the pleadings and evidence of the parties, recorded a concurrent finding that the tenanted premises (building) was in a dilapidated condition and the landlord bonafide requires the same for its demolition and reconstruction. In the impugned order, the High Court has not found that the concurrent

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finding recorded by the Small Causes Court and Rent Control Appellate Authority is perverse or the conclusion recorded by them suffers from any patent error of law. This being the position, the High Court was not justified in interfering with the order passed by the Small Causes Court and upheld by the Rent Control Appellate Authority.

Accordingly, the appeal is allowed, impugned order is set aside and the order of eviction passed by the Small Causes Court and upheld by the Rent Control Appellate Authority is restored. The appellant is granted time till 31st December, 2009, to vacate the premises in question upon filing usual undertaking in this Court within four weeks from today. It is directed that in case the appellant fails to vacate the premises in question within the aforesaid time, it would be open to the decree holder to file an execution petition for delivery of possession and in case such a petition has been already filed, an application shall be filed therein to the effect that the appellant has not vacated the premises in question within the time granted by this Court. In either eventuality, the Executing Court is not required to issue any notice to the appellant. The Executing Court will see that delivery of possession is effected within a period of fifteen days from the date of filing of the execution petition or the application aforementioned. In case for delivery of possession any armed force is necessary, the same shall be deputed by the Superintendent of Police within forty eight hours from the date requisition is received therefor. It is also directed that in case anybody else, other than the appellant, is found in possession, he shall also be dispossessed from the premises in question.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
March 23, 2009.