

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A.No.2 In Petition(s) for Special Leave to Appeal (Civil)  
No(s).31420/2008

MUKHTAR AHAMED Petitioner(s)

VERSUS

KARPAGAM & ANR. Respondent(s)

(With appln(s) for stay)

Date: 03/08/2011 This Petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr.Shanth Kr.Mahale, Adv.  
Mr.Harish, Adv.  
Mr. Rajesh Mahale, Adv.(Not Present)

For Respondent(s) Mr.Nanda Kishore, Adv.

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

Taken on board.

Although this matter has been listed for consideration of I.A.No.2 of 2011 filed by the petitioner for stay of the execution of order passed by IInd Additional Civil Judge (Junior Division), KGF (for short, 'the trial Court'), learned counsel for the parties agreed that the main case may be finally heard and disposed of.

The petition filed by the respondents herein for eviction of the petitioner and one Abdul Khaleel under Section 21(1)(a), (f) and (h) of the Karnataka Rent Control Act, 1961 (for short, 'the Act') was allowed by the trial Court vide its order dated

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14.02.2002 by observing that the respondents have succeeded in proving that the tenant had not paid rent for the period from 01.04.1988 to 01.07.1995 and that the suit premises was bona fide required by the landlord for personal use and occupation.

The revision preferred by the petitioner was dismissed by Principal District Judge, Kolar, who independently evaluated the evidence produced by the parties and agreed with the trial Court

that the respondents were able to make out a case for eviction of the petitioner.

The learned Single Judge of the High Court negatived the petitioner's challenge to the revisional order and held that the findings recorded by the two Courts were based on correct appreciation of evidence produced by the parties. However, six months' time was allowed to the petitioner to vacate the suit premises.

We have heard learned counsel for the parties and perused the record. In our opinion, the special leave petition is meritless and is liable to be dismissed because learned counsel for the petitioner could not point out any patent error in the appreciation of pleadings and evidence by the two Courts and the concurrent finding recorded by them that the respondents had been able to make out a case for eviction of the petitioner.

The special leave petition is accordingly dismissed. However, the petitioner is allowed time till 31.05.2012 to vacate the suit premises and handover possession thereof to the respondents. This would be subject to his filing usual undertaking

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before this Court within four weeks from today.

The petitioner shall continue to pay to the respondents an amount equivalent to monthly rent by way of damages for use and occupation of the premises. It is also directed that the petitioner shall not induct any person in the suit premises in any capacity whatsoever else he may have to suffer punishment under the Contempt of Courts Act, 1971.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora )  
Court Master