

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13644/2017

(Arising out of impugned final judgment and order dated 28/03/2017 in CRA No. 161/2017 passed by the High Court of Gujarat at Ahmedabad)

IQBALBHAI VALIBHAI PATEL

Petitioner(s)

VERSUS

YASINBHAI SHERMOHAMMAD RANGREJ

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and interim relief)

Date : 02/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. Nirav K. Majumdar, Adv.
Mr. Rajiv Kumar, Adv.
Ms. Kusum Chaudhary, Adv.

For Respondent(s)

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

We have heard the learned senior counsel appearing for the petitioner and perused the impugned judgment and order passed by the High Court of Gujarat at Ahmedabad.

We do not find any good ground to interfere in the said order, as in the statement of the petitioner, it has been specifically admitted by him that since 1979 till 1995 he was staying in the suit premises only and that his three children were also born in the suit premises.

It is no doubt true that the suit premises was also being used as a dispensary. However the petitioner had acquired and shifted in the alternative premises in 1995.

The special leave petition is accordingly dismissed.

However, on the request of the learned senior counsel appearing for the petitioner, three months' time from today is granted to vacate the premises and to hand over peaceful possession of the premises in question to the respondent on filing usual undertaking before this Court within two weeks from today. The petitioner shall pay all arrears of rent and the mesne profit

Pending applications, if any, also stand disposed of.

(Anita Malhotra)
Court Master

(Chander Bala)
Court Master