

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4354 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO.33992/2013]

RAM JANKI MANDIR

APPELLANT (S)

VERSUS

NURUDDIN BHARMAL

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant/landlord filed a petition for eviction of the respondent/tenant on three grounds, i.e. (i) arrears of rent, (ii) nuisance; and (iii) need for reconstruction. The Trial Court allowed the eviction on the grounds of arrears of rent and need for reconstruction. The same was affirmed by the First Appellate Court. The respondent/tenant moved the High Court. On the ground of need for reconstruction, the High Court took the view that the

Trial Court should have ascertained whether the respondent/tenant was willing to reoccupy the premises after reconstruction and having not done that, the matter was remitted to the Trial Court.

3. No doubt, there is a statutory requirement of ascertainment of willingness of the tenant as to whether he would be prepared to reoccupy the premises after reconstruction. But on the facts of the case, there is a concurrent finding of arrears of rent and that aspect is not seriously disputed also. Therefore, in any case, the eviction on the ground of arrears of rent should have been sustained. Once that is sustained, there is no question of ascertainment of the willingness of the tenant after reconstruction.

4. In that view of the matter, we set aside the judgment of the High Court and restore the judgment and decree passed by the Trial Court, which was affirmed by the First Appellate Court.

5. However, we record the gracious submission made by the learned counsel for the appellant/landlord that in the peculiar facts of this case, the appellant/landlord does not intend to recover the arrears of rent from the respondent/tenant.

6. The appeal is allowed.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
MARCH 22, 2017.

ITEM NO.8

COURT NO.7

SECTION IVA

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). 33992/2013

(Arising out of impugned final judgment and order dated 30/10/2012 in SA No. 320/2012 passed by the High Court of Chhatisgarh at Bilaspur)

RAM JANKI MANDIR

PETITIONER(S)

VERSUS

NURUDDIN BHARMAL

RESPONDENT(S)

(with appln. (s) for exemption from filing c/c of the impugned order and exemption from filing O.T. and permission to file additional documents and stay and office report)
(For Final Disposal)

Date : 22/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Akshat Shrivastava, AOR
Ms. Pooja Shrivastava, Adv.

For Respondent(s) Mr. Praveen Chaturvedi, AOR
Ms. Jyoti Chaturvedi, Adv.

Ms. Manjeet Kirpal, AOR

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

Leave granted.

The appeal is allowed in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed 'Non-Reportable' Judgment is placed on the file)