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

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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.

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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.

JUDGMENT

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