



Bona fide need - Even the subsequent event of death of the landlord who wanted to start a business in the tenanted premises is not sufficient to dislodge the bona fide need established by him earlier.

This Court reiterated the same principle in **Kamleshwar Prasad v. Pradumanju Agarwal** [1997 (4) SCC 413] that the crucial date normally is the date of [filing](#) the petition. In that case, a two-Judge Bench (K. Ramaswamy and G.B. Pattanaik, JJ) has held that even the subsequent event of death of the landlord who wanted to start a business in the tenanted premises is not sufficient to dislodge the bona fide need established by him earlier. This is what Pattanaik J. has observed for the Bench:

That apart, the fact that the landlord needed the premises in question for starting a business which fact has been found by the appellate authority, in the eye of law, it must be that on the day of application for eviction which is the crucial date, the tenant incurred the liability of being evicted from the premises. Even if the landlord died during the pendency of the [writ](#) petition in the High court the bona fide need cannot be said to have lapsed as the business in question can be carried on by his widow or any other son.

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