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Sunil Kumar v. Anil Kumar, 2008 SupremeCourtOnline 0203 , [ID 214102]

SUPREME COURT OF INDIA

Before:- Tarun Chatterjee, J.

Sunil Kumar & Anr. – Appellant(s)

Versus

Anil Kumar – Respondent(s)

Civil Appeal No. 4943 of 2008(Arising out of S.L.P.(C) 2648 of 2007)

8.8.2008.

East Punjab Urban Rent Restriction Act 1949, Section 13 - Constitution of India, 1950, Article 133 - Eviction - Suit for - Concurrent findings - Revision was also dismissed on the ground that there was no perversity or infirmity in the orders of the Tribunals below - Dismissed.

ORDER

Tarun Chatterjee, J. – Leave granted.

2. This appeal is directed against the Judgment and final order dated 1st of December, 2006 passed by the High Court of Punjab and Haryana at Chandigarh in CR No. 6420 of 2006, by which the High Court had dismissed the Civil Revision case in limine.

3. The respondent filed an application for ejectment of the appellant from the demised premises inter alia on the ground of non-payment of rent, sub-letting and *bonafide* requirement of the demised premises before the Rent Controller.

4. The learned Rent Controller rejected the claim of the respondent for eviction on the ground of non-payment of the rent, subletting but on the ground of *bonafide* requirement, he had allowed the eviction against the appellant.

5. Feeling aggrieved by the order of the learned Rent Controller, the appellant filed an appeal before the Appellate Authority, Jalandhar and the Appellate Authority, by its Judgment dated 15th of November, 2006 dismissed the appeal of the appellant.

6. Against the aforesaid orders of the Appellate Authority as well as of the Rent Controller, the appellant filed a Civil Revision case, as mentioned herein. By the impugned order, the said Revision case was also dismissed on the ground that there was no perversity or

infirmity in the orders of the Tribunals below. Before us also, the learned counsel could not satisfy that the concurrent findings of fact, as affirmed by the High Court, were vitiated by infirmity or perversity.

7. Accordingly, we do not find any ground to interfere with such concurrent findings of fact. The appeal is thus dismissed.

8. We direct that the appellant shall be permitted to keep the premises in question for a further period of nine months from this date subject to filing the usual undertaking in this court within four weeks from today and on expiry of this period, he shall vacate and handover peaceful possession of the premises in question to the respondent. No order as to costs.