

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6619 OF 2008
(Arising out of SLP ©No.4647 of 2008)

Erukula Veeraiah Dead by LRs. ... Appellants

Versus

Premnath & Anr. ...Respondents

O R D E R

1. Leave granted.
2. This appeal is directed against an order dated 16th of November, 2007 passed by a learned Judge of the High Court of Judicature of Andhra Pradesh at Hyderabad in Civil Revision Petition No.5867 of 2005 by which the High Court had rejected the Civil Revision Petition and accepted the concurrent findings of fact arrived at by the courts below in respect of the eviction proceeding filed at the instance of the landlords/respondents, *inter alia*, on

the ground of willful default and denial of title in respect of the premises in question.

3. Having heard the learned counsel appearing for the parties and after considering the materials on record including the impugned order as well as the orders of the courts below, we are of the view that no interference is called for in the present case. As noted herein earlier, two grounds which were alleged by the landlords/respondents for eviction of the appellant were, namely, willful default and denial of title. Both the grounds were accepted by the courts below and order of eviction was passed.
4. Although the learned counsel appearing on behalf of the appellant basically urged the first ground of willful default but in view of the findings arrived at by the courts below, on the other ground, namely, denial of title of the premises in question, we are not inclined to go into this submission of the learned counsel for the appellant as we find that the courts below rightly came to the conclusion that the suit for

specific performance of the agreement for sale in respect of premises in question filed at the instance of the appellant having been dismissed, the ground alleged by the landlords/respondents, namely, denial of title of the premises in question must be found. That being the position, there cannot be any escape for the appellant from his eviction in respect of the premises in question under the aforesaid ground alone. Accordingly, there is no need to deal with the submission made by the learned counsel for the appellant in the facts and circumstances of the present case which has already been stated herein above. The appeal is thus dismissed. There will be no order as to costs.

5. However, considering the facts and circumstances of the case, particularly that the appellant has also been residing in the suit premises, we grant time up to 31st of May, 2009 to the appellant herein to handover peaceful vacant possession of the premises in question subject to

the condition of submitting usual undertaking before this
court within one month.

.....J.
[Tarun Chatterjee]

New Delhi;
November 10, 2008.

.....J.
[V.S.Sirpurkar]