
(1980) 08 SC CK 0014
In the Supreme Court Of India
Case No : Civil Appeal No. 247 of 1980

Om Prakash Saxena

APPELLANT

Vs

Tapeshwari Prasad and Others

RESPONDENT

Date of Decision : 06-08-1980

Acts Referred:

Citation : AIR 1981 SC 174(2) : AIR 1981 SC 174 : (1981) 1 SCC 430 : (1980) 12 UJ 816

Hon'ble Judges : V. R. Krishna Iyer, J;R. S. Pathak, J;O. Chinnappa Reddy, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

V.R. Krishna Iyrr, J.—Having heard Mr. Jitendra Sharma far the appellant we are satisfied that on the submission which merits consideration is as to the time that we should grant to him for vacating the premises.

2. We have addressed ourselves to the rival submissions and feel satisfied that if the appellant gives an undertaking within one month from today containing two conditions, violation of which will involve instant eviction and proceedings for breach of undertaking, he will be allowed time upto 15th August, 1981 for vacation for possession. The conditions are:

(a) That he will within three months from today deposit in this trial Court the entire arrears of rent and continue to pay rent for every month by the 15th of the succeeding month; &

(b) That he will give vacant possession on or before that date we have fixed and see that he will not alienate or otherwise put in possession of the premises or part thereof any person other than himself.

3. In case the undertaking is not filed in time or if any of the conditions in the undertaking is broken then there will be instant eviction, Subject to these conditions and the filing of the undertaking we dismiss the appeal.