

Phirayalal Vs. Second Additional District Judge and ors.

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Court : Supreme Court of India

Decided On : Feb-16-1987

Reported in : AIR1987SC2026; 1987Supp(1)SCC157

Judge : A.P. Sen and; v. Balakrishnan Eradi, JJ.

Appellant : Phirayalal

Respondent : Second Additional District Judge and ors.

Judgement :

ORDER

1. It appears that respondent Nos. 3-5, who are the landlords, after the impugned judgment of the High Court dismissing the writ petition preferred by the petitioner, have not only obtained possession of the demised premises which formed the remaining part of the building but also demolished the same. The other two portions of the building let out to other tenants had already been demolished by them earlier. In the circumstances, the special leave petition has become infructuous as no effective relief can be granted to the petitioner with the demolition of the building, However, even though the case may not squarely fall within the purview of Section 24(2) of the Act inasmuch as the respondents-landlords did not require the demised premises for purposes of demolition and reconstruction but for their personal residential requirement, we direct after hearing the learned counsel for the parties that in the event the said respondents decide to let out any portion of the newly constructed building, they would give the

first option to the petitioner to occupy an area equivalent to the demised premises on such rent as mutually agreed between the parties or as determined by the Prescribed Authority.

2. Subject to these observations, the special leave petition is dismissed as infructuous.

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