

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7396 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 9895 OF 2018]

DHAMENDRA KUMAR SHARMA

Appellant (s)

VERSUS

SOMENDRA BABU (SINCE DECEASED)  
THROUGH LRS. & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Application for substitution is allowed.
2. Leave granted.
3. The appellant approached this Court, aggrieved by the Judgment and order dated 28.03.2018 passed by the High Court of Judicature at Allahabad in Civil Misc. Petition No. 1284 of 2018, whereby the High Court confirmed the order of eviction.
4. When the matter came up before this Court, it was pointed out that the respondents-landlords have many other shops. Therefore, it was directed by this Court to ascertain whether the appellant can be accommodated in one of the available shops at least in the new complex, which is under construction. We are happy to note that the parties have reached a settlement whereby respondents have graciously agreed to accommodate the appellant in a shop, which has

been identified and on which the parties are in agreement. Ordered accordingly. The rental will be for a period of three years and the rent will be Rs.10,000/- (Rupees Ten Thousand), as a special case, excluding maintenance charges whereafter, appellant will handover vacant and peaceful possession unless agreed to in writing otherwise. The appellant is given a period of one month to vacate the present premises.

5. The respondents are directed to complete the construction of the floor, where the appellant can be accommodated, within three months thereafter and hand over the shop to the appellant.

6. Before occupying the new shop, the appellant shall clear all the arrears in respect of the old shop. In view of the above, the appeal is disposed of. Both the parties are directed to file their respective undertakings in terms of this Judgment within three weeks from today.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ SANJAY KISHAN KAUL ]

New Delhi;  
July 31, 2018.