

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6177

OF 2004

HINDUSTAN PETROLEUM CORPN. LTD.

... APPELLANT(S)

VERSUS

DILBAHAR SINGH

...RESPONDENT(S)

O R D E R

Heard learned senior counsel appearing on behalf of the appellant and learned counsel, appearing on behalf of the respondent.

The correctness of the Order passed by the High Court in exercise of its revisional jurisdiction is challenged wherein the order of eviction passed by the Rent Controller on the ground of bonafide need and requirement of the landlord is upheld and the order of the appellate authority is reversed. The correctness of the same is challenged in this appeal, urging various legal contentions.

Our attention was drawn to the impugned order. We are satisfied that the finding recorded by the revisional court is in proper exercise of its jurisdiction. We do not find any perversity in the

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said finding so as to call for our interference in

Digitally signed by Sushil Kumar Rakheja Date: 2015.05.02

this appeal. Therefore, we decline to interfere with

12:14:23 IST Reason:

the impugned order.

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Having regard to the facts and circumstances of the case, it would be just and proper for this Court to give one year time to the appellant herein to vacate the premises in question and deliver vacant possession to the landlord, subject to filing of usual undertaking by its G.M. (Coordination) within a period of two weeks. The appellant shall continue to pay rent to the landlord.

The appeal is dismissed accordingly.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2162

OF 2004

RADHKRISHNAN CHETTIAR

... APPELLANT(S)

VERSUS

DHAVAMANI

...RESPONDENT(S)

O R D E R

This matter was adjourned to await the decision of the Constitution Bench in Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh, 2014 (9) SCALE 657 on the issue of scope of revisional jurisdiction of the High Court, which has been rendered on 27.08.2014.

Heard learned Counsel appearing on behalf of the appellant and respondent-landlord.

By consent of learned counsel for the parties, the impugned order dated 10.02.2004 passed in Civil Revision Petition No. 1565 of 1999 by the High Court of Judicature at Madras is set aside and the matter is remanded to the High Court for fresh consideration in the light of the aforesaid decision of the Constitution Bench of this Court.

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In the meanwhile, the appellant-tenant is directed to pay enhanced rent @ Rs. 2,000/- p.m. commencing from 1.10.2014 to the respondent-landlord.

The appeal is allowed in the above terms.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6954

OF 2005

MEENAKSHI CHANDRAKUMAR & ORS.

... APPELLANT(S)

VERSUS

KALYANI AMMA SREEDEVI AMMA & ORS.

...RESPONDENT(S)

O R D E R

Heard learned counsel appearing on behalf of the parties and perused the order of remand passed by the High Court, which is impugned in this civil appeal. It is submitted that the Rent Controller after remand heard the parties and passed the Order, therefore, we do not deem it fit to examine the order impugned. More so, the said order has been complied with by the learned Rent Controller.

In view of the above, the appeal is dismissed as having become infructuous.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2859 OF 2006

PIONEER SURGICAL COMPANY & ORS. ... APPELLANT(S)

VERSUS

RADHA H. JOSHI & ORS. ...RESPONDENT(S)

O R D E R

Heard learned counsel appearing on behalf of the appellant.

The bonafide need and requirement of the respondents-landlord is established and also outweigh the hardship would be caused to the respondents-landlord as compared to the appellants-tenants. We do not find any good reason to interfere with the finding of fact recorded by the High Court in exercise of its revisional jurisdiction while examining the correctness of the order of the appellate authority in holding that the order of eviction on the ground of bonafide need and requirement is established.

However, having regard to the facts and circumstances of the case, the appellants are granted one year time from today to vacate the premises in question and deliver vacant possession to the respondents, subject to filing the usual undertaking by its all the partners within a period of two weeks.

Needless to say that the appellants shall continue to pay the rent as and when it becomes due.

The appeal is dismissed accordingly.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3313 OF 2007

ARYA SAMAJ BHIWANI (REGD.)
THROUGH ITS DEPUTY MINISTER & ANR. ... APPELLANT(S)

VERSUS

BHAGWAN DASS ...RESPONDENT(S)

O R D E R

This matter was adjourned to await the decision of the Constitution Bench in Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh, 2014 (9) SCALE 657 on the issue of scope of revisional jurisdiction of the High Court, which has been rendered on 27.08.2014.

Heard learned senior counsel appearing on behalf of the appellants and learned counsel appearing on behalf of the respondent.

By consent of learned counsel for the parties, the order impugned dated 23.12.2005 passed in Civil Revision No. 1656 of 1999 by the High Court of Punjab and Haryana is hereby set aside. The matter is remanded to the High Court for de novo consideration in the light of the aforesaid decision of the Constitution Bench of this Court.

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Needless to say that the respondent-tenant shall continue to pay the rent as and when it becomes due.

The appeal is disposed of accordingly.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 1224 OF 2006

DEVINDER PARSHAD ... APPELLANT(S)

VERSUS

DEEP CHAND (D) BY LRS. ...RESPONDENT(S)

O R D E R

Learned counsel for the appellant submits that the appellant has taken possession of the property involved in these proceedings, therefore, this appeal has become infructuous.

Accepting the submission of learned counsel for the appellant, the appeal is dismissed as having become infructuous.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 7066 OF 2005

P. VENKAT RAO ... APPELLANT(S)

VERSUS

K.D. KRISHNA (D) BY LRS. ...RESPONDENT(S)

O R D E R

This matter was adjourned to await the decision of the Constitution Bench in Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh, 2014 (9) SCALE 657 on the issue of scope of revisional jurisdiction of the High Court, which has been rendered on 27.08.2014.

By consent of learned counsel for the parties, we set aside the impugned order dated 28.02.2005 passed by the High Court of Andhra Pradesh at Hyderabad challenged in this appeal and remit the matter to the High Court to examine the subsequent events that have taken place during the pendency of these proceedings.

The legal representatives of original landlord- K.D. Krishna were brought on record and to examine as to whether the plea taken by the deceased-landlord at para 4 of the eviction petition that the premises is required by him for carrying the business for himself still survives or not on the basis of the pleadings and evidence on record.

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In view of the above, the matter is remitted to the High Court with a request to examine the case afresh in the light of the aforesaid decision of the Constitution Bench of this Court as also the observation made above and decide the same in accordance with law after giving an opportunity to both the parties. Needless to mention that the tenant shall continue to pay the rent to the landlord as and when it becomes due.

The appeal is allowed in the abovesaid terms.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 16, 2014
ITEM NO.101

COURT NO.14

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6177/2004

HINDUSTAN PETROLEUM CORPN. LTD.

Appellant(s)

VERSUS

DILBAHAR SINGH

Respondent(s)

(With office report)

WITH
C.A. No. 2162/2004
(With Office Report)
C.A. No. 2901/2006
(With Office Report)
C.A. No. 6954/2005
(With Interim Relief and Office Report)
C.A. No. 7520/2005
(With Office Report)
C.A. No. 5212/2006
(With Office Report)
C.A. No. 2859/2006
(With Office Report)
C.A. No. 3313/2007
(With Office Report)
C.A. No. 1224/2006
(With Office Report)
SLP(C) No. 34303/2009
(With appln.(s) for c/delay in filing substitution appln. and

appln.(s) for substitution of deceased petitioner and Interim Relief and Office Report)

C.A. No. 7491/2004

(With Office Report)

SLP(C) No. 11931/2011

SLP(C) No. 22248/2007

(With Interim Relief and Office Report)

C.A. No. 7066/2005

(With Office Report)

Date : 16/09/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

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For Appellant(s)

CA No. 6177/04 Mr. Sudhir Chandra, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. S.C. Ghosh, Adv.

CA No. 2162/14 Mr. K. K. Mani, Adv.
Ms. T. Archana, Adv.

CA No. 2901/06 Mr. Manoj Swarup, Adv.
Mr. Akshat Goel, Adv.
Mr. Karan Kapoor, Adv.

CA No. 6954/05 Mr. M. T. George, Adv.
Ms. Kavitha K.T., Adv.

CA No. 7520/05 Mr. A. T. M. Sampath, Adv.

CA No. 5212/06 Mr. Shakil Ahmed Syed, Adv.

CA No. 2859/06 Mr. Pratap Venugopal, Adv.
Mr. P.K. Jha, Adv.
Ms. Niharika, Adv.
M/s. K. J. John & Co., Adv.

CA No. 3313/07 Mr. Mahabir Singh, Sr. Adv.
Mr. Vikram Singh, Adv.
Mr. Abhishek Jain, Adv.
Ms. Preeti Singh, Adv.
Mr. D. Mahesh Babu, Adv.

SC 34303/09 Mr. Jayanth Muth Raj, Adv.
Ms. Malavika J., Adv.
Mr. Nishe Rajen Shonker, Adv.

Mr. R. D. Upadhyay, Adv.

SC 11931/11 Mr. C. N. Sree Kumar, Adv.
Mr. Rahul Kumar, Adv.

SC 22248/07 Mr. M. A. Chinnasamy, Adv.

CA No. 7066/05 Mr. A. Subba Rao, Adv.
Mr. K.L.D.S. Vinober, Adv.

CA No. 5212/06 Mr. P. Suresha, Adv.

CA No. 1224/06 Mr. Prem Malhotra, Adv.

- 3 -

For Respondent(s) Mr. N.S. Dalal, Adv.

CA No. 6177/04 Mr. R. C. Kaushik, Adv.

CA No. 2859/06 Mr. A.T.M. Sampath, Adv.
CA No. 6177/04 Mr. M. A. Krishna Moorthy, Adv.
CA No. 3313/07 Mr. Rishi Malhotra, Adv.
Mr. Prem Malhotra, Adv.
Mr. Mohan Pandey, Adv.
CA No. 6954/05 Mr. C.S. Rajan, Sr. Adv.
Mr. A. Raghunath, Adv.
Mr. Shankar Divate, Adv.
CA No. 5212/06 Mr. Romy Chacko, Adv.
CA No. 1224/06 Ms. Shalu Sharma, Adv.
SC 34303/09 Mr. B. Rangunath, Adv.
Mr. Vijay Kumar, Adv.
Mr. Balbir Singh Gupta, Adv.
SC 11931/11 Mr. K. Rajeev, Adv.
Mr. Shinoj K. Narayanan, Adv.
SC 22248/07 Mr. S. Thananjayan, Adv.
CA No. 7066/05 Mrs. D. V. Padma Priya, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 6177/2004

The appeal is dismissed in terms of the signed order.

C.A. No. 2162/2004

The appeal is allowed in terms of the signed order.

C.A. No. 2901/2006

List this case on 23.09.2014.

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C.A. No. 6954/2005

The appeal is dismissed as having become infructuous in terms of the signed order.

C.A. No. 7520/2005

Heard learned counsel for the appellant.

It is brought to our notice that the appellant's counsel has circulated a letter dated 27.09.2012 calling upon the respondent's counsel to furnish the particulars of the legal representatives of the deceased-respondent. Till now, no information is furnished by the respondent.

Mr. A.T.M. Sampath, learned counsel for the appellant submits that the premises is under lock and key and not put to use by anybody and the respondent's counsel is unable to furnish the details of legal representatives of the deceased-respondent.

In this view of the matter, we direct the Rent Controller, Nagercoil to appoint a Commissioner to inspect the premises in question and give the present status report of the premises in question. The appellant shall bear the cost of the Commissioner.

The appellant shall appear before the Rent Controller,

Nagercoil within four weeks from today and the cost, as assessed by the Rent Controller, shall also be deposited by him. The Rent Controller is directed to submit a report within six weeks from the date of receipt/production of a copy of this order.

List the matter after receipt of the report from the Rent Controller.

C.A. No. 5212/2006

List the matter tomorrow (17.09.2014) as first case.

C.A. No. 2859/2006

The appeal is dismissed in terms of the signed order.

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C.A. No. 3313/2007

The appeal is disposed of in terms of the signed order.

C.A. No. 1224/2006

The appeal is dismissed as having become infructuous, in terms of the signed order.

SLP(C) No. 34303/2009

Leave granted.

The interim order passed by this Court on 18.12.2009 shall continue subject to the condition that the appellant shall pay rent @ Rs. 4000/- p.m. to the respondent-landlord commencing from 1.10.2014. The same will be subject to the result of the appeal in regard to the fair rent of the premises in question. The respondent-landlord is permitted to withdraw the amount which is deposited in the trial court towards the rent.

C.A. No. 7491/2004

List the matter on 23.09.2014.

SLP(C) No. 11931/2011

Heard.

No ground for interference is made out to exercise our jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed.

SLP(C) No. 22248/2007

Leave granted.

Interim Order to continue till the disposal of the appeal.

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C.A. No. 7066/2005

The appeal is allowed in terms of the signed order.

(S.K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Seven signed orders are placed on the respective files)