

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1952/2005

(From the judgement and order dated 30/11/2004 in RCR No. 80/2004 of The HIGH COURT OF DELHI AT N. DELHI)

A.S. NARAYANA RAO

Petitioner(s)

VERSUS

KUNDAN LAL BALI

Respondent(s)

(With prayer for interim relief)

Date: 22/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr. Annam D.N. Rao,Adv.

For Respondent(s)

Mr. Vivek Tankha, Sr.Adv.

Mr. Rohan Thawani, Adv.

Mr. Prashant Kumar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

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

(PAWAN KUMAR)
AP LATA BHARDWAJ

(PUSH

COURT MASTER
URT MASTER

CO

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005

(arising out of SLP(C)No.1952 of 2005)

A.S. NARAYANA RAO
APPELLANT

... A

VERSUS

KUNDAN LAL BALI
RESPONDENT

... RE

O R D E R

Leave granted.

Considering the facts of this case we are of the view that the leave to defend

should have been granted especially in view of the offer of the appellant-tenant to shift to the first floor by vacating the ground floor which is presently occupied. The learned

counsel for the respondent, however, submits that another floor is also required for his son and his family who are residing in a rented house. These are matters to be gone into

in the course of trial. The impugned order and the order of the Rent Controller

are, therefore, set aside and the trial shall be proceeded with expeditiously. Written

statement, if not already filed, shall be filed within four weeks. We further direct that

without prejudice to the respective contentions, the appellant shall shift to the first floor

from the ground floor within a month.

The appeal is accordingly disposed of.

.....J.

(P. VENKATARAMA REDDI)

.....J.

NEW DELHI,

(B.N. SRIKRISHNA)

JULY 22, 2005.