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SLP(C)No. 3770 OF 2001

ITEM No.44

Court No. 8

SECTION XIV
A/N MATTER

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.3770/2001

(From the judgement and order dated 01/11/2000 in CRP 1092/00 of The
HIGH COURT OF DELHI AT N. DELHI)

RAM PAL

Petitioner (s)

VERSUS

URMILA SETHI

Respondent (s)

(With prayer for interim relief)

Date : 08/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. Sudhir Walia,adv.
Mr. Mahinder Singh Dahiya,Adv.

For Respondent (s) Mr.Deepak Gupta,adv.
Mr. M.P.Jha,adv.
Mr. Ram Ikbal Roy,adv.
Mr. Anil K. Chopra,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Leave is granted.
Appeal is allowed.
No costs.

.SP1

(Suman Wadhwa)
Court Master

(S.Malkani)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of SLP(C)No.3770/2001)

Ram Pal ...Appellant

Vs.

Urmila Sethi ...Respondent

ORDER@@
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Leave is granted.
Heard learned counsel for the parties.
We have perused the order passed by Delhi High Court on 1.11.2000 dismissing the revision petition filed by the tenant who is petitioner herein. The relevant portion of the order reads:

.....L.....I.....T.....T.....TJ.
.SP1

"In view of the findings of the learned Additional Rent Controller, which are not unreasonable, I am not inclined to interfere with the impugned order.

Dismissed."

.....L.....I.....T.....T.....T.....T.....T.....TJ.
.SP2

The landlady-respondent herein, filed an application for eviction on the ground of bona fide personal requirement alleged that in her old age she requires residential accommodation on the ground floor and therefore the tenant should be evicted so that she may shift from the first floor to the ground floor. The tenant in his objection has stated inter alia that the requirement pleaded by the landlady is not bona fide in the facts and circumstances of the case since the alternate suitable accommodation is available in the building for her

accommodation. The Controller on consideration had not been persuaded to accept the case of the tenant and ordered for eviction. The question for consideration is whether the dismissal of the revision petition by the impugned order of the High Court is proper. This Court in recent decision in Prakash Chand vs. Ratan Chand Saravgi reported in 2000 (10) SCC 576 considering this question made the following observation:

.....L.....I.....T.....T.....TJ.
.SP1

" It is seen that the revisional jurisdiction of the High Court, which may be exercised

either suo motu or on an application filed by any person aggrieved, entitles the High Court, for the purpose of satisfying itself as to the legality, propriety or correctness of any order passed by or as to the regularity of the proceedings of the Rent Controlling Authority, to call for and examine the record and make an appropriate order. The impugned order of the High Court (supra) does not disclose any reasons whatsoever, which weighed with it to dismiss the revision petition by a non-speaking order. The absence of reasons has deprived this Court to appreciate the circumstances which weighed with the High Court to dismiss the revision petition. Giving of reasons, howsoever brief, in support of its conclusions is much too obvious. Providing of reasons not only lends clarity to the order but also minimises the chances of any arbitrariness and enables the higher forum to test the correctness of the reasons. We are not happy with the manner in which the revision petition was disposed of, since certain arguable points had been raised in the revision petition and particularly, because that was the only remedy available to the

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tenant under the statute, an appeal being not permissible. The impugned order of the High Court, under the circumstances, cannot be sustained. We, accordingly, allow this appeal, set aside the impugned order and remand the revision petition to the High Court for its fresh disposal in accordance with law."

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

On perusal of the order under challenge we are of the view that the revision petition filed by the appellant has not been properly considered. Therefore, the appeal is allowed. The order under challenge is set aside. The revision petition is remitted to the High Court for fresh consideration and disposal in accordance with law after giving opportunity of hearing to the parties. No costs.

.SP1

.....J.
(D.P. MOHAPATRA)

.....J.
(SHIVARAJ V. PATIL)

New Delhi;
October 8, 2001.