

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 (C) No(s). 5285/2026

[Arising out of impugned final judgment and order dated 05-01-2026 in RCREV No. 213/2023 passed by the High Court of Delhi at New Delhi]

MOHD. BURHAN & ORS.

Petitioner(s)

VERSUS

ANAND NIRMAL & ANR.

Respondent(s)

(IA No. 39380/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 12-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

Mr. Jayant Bhushan, Sr. Adv.
Ms. Manjeet Chawla, AOR
Mr. Manu Nayar, Adv.
Mr. Vaibhav Kush, Adv.
Mr. Nitin Kumar, Adv.

For Respondent(s) :

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

Application for exemption from filing certified copy of the impugned judgment is allowed.

Learned senior counsel for the petitioners while relying upon the judgment of this Court in the case of *Sheshambal (Dead) through Lrs. v. Chelur Corporation Chelur Building & Ors.*¹ submitted that in the case in hand, Eviction Petition was filed pointing out the

1 . (2010) 3 SCC 470

personal necessity of the landlord-Triloki Nath only (since deceased). Since, during the pendency of the Revision Petition before the High Court, he had expired, the personal necessity extinguished. His children were not living with him and are financially independent.

Issue notice to the respondents, returnable on 23rd April, 2026.

In the meantime, operation of the impugned order passed by the High Court shall remain stayed.

As an interim measure, the petitioners shall pay ₹25,000/- (Rupees twenty five thousand only) per month, towards charges for use and occupation of the premises. The aforesaid amount has been fixed tentatively, considering the fact that vide order dated 5th November, 2014 this Court in SLP (Civil) No.29167 of 2014, in the earlier round of litigation, had directed the petitioners to pay a sum of ₹10,000/- (Rupees ten thousand only) per month.

However, in terms of the judgment of this Court in the case of *M/s. Atma Ram Properties (P) Ltd. v. M/s. Federal Motors Pvt. Ltd.*², the charges for use and occupation of the premises in dispute during the pendency of the present petition shall be fixed by the Rent Controller, South District, Saket, New Delhi on the basis of the material to be produced by the parties.

(ANITA MALHOTRA)

(AKSHAY KUMAR BHORIA)

