

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL OF 2014
(Arising out of SLP (C) No.9598 of 2013)

S.K. Ashalata Murti

... Appellant

versus

Mohit Agrawal

... Respondent

ORDER

1. Leave granted.

2. The petitioner is a land lady. She had filed an application for eviction of the respondent-tenant on the ground of bona fide need. The Rent Controller passed a decree of eviction. The High Court of Chhattisgarh reversed the order, inter alia, holding that there is no evidence to establish that the landlady required the suit premises for non-residential purpose. The High Court held that bona fide need was not proved. The said judgment is impugned in the appeal.

3. We have heard learned counsel for the parties.

4. We are of the opinion that the High Court's order needs to be set aside. The High Court is wrong in coming to a conclusion that the petitioner-landlady has not proved her bona fide need. The only ground which the tenant had taken was that the landlady has no sons and, therefore, her need to use the premises for non-residential purpose is not bona fide. This ground is not tenable. The landlady's need is clearly made out. It is bona fide. In the circumstances, we set aside the impugned order.

5. We must note that the possession of the premises has already been handed over by the respondent-tenant to the petitioner-landlady. There is some dispute between the two as regards the arrears of rent on which we express no opinion. It will be open to the petitioner-landlady to adopt appropriate proceedings for the recovery of the alleged arrears of rent. If such proceedings are initiated, the concerned court may deal with those proceedings independently and in accordance with law.

6. Admittedly, an amount of Rs.80,000/- (Rupees eighty thousand only) has been deposited by the respondent-tenant with the petitioner-landlady as a security deposit. The petitioner-landlady shall keep that amount intact.

[Gulshan Kumar Arora]
Court Master

[Indu Pokhriyal]
Court Master

(Signed order is placed on the file)