

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5521 OF 2013
ARISING OUT OF
SPECIAL LEAVE PETITION (C) NO. 8930 of 2012

ZAHIDA BEGUM

Appellant(s)

VERSUS

AKHTAR ALI(D) TR.LRS.

Respondent(s)

ORDER

Leave granted.

We are of the view that the Courts below have committed a grave error in holding that the landlady should produce the plan of the house in which she is staying, which is admittedly her father-in-law's house. This was the only ground on which the Courts below have rejected the claim of bona fide need which in our view cannot be sustained.

Further it has come out on record that the landlady is staying in a rented house and since there is nothing on record to show that the landlady has a house of her own, we are of the view that her claim for eviction on the ground of bona fide need is justified.

Consequently, we allow the petition on the ground of bona fide need. The judgment of the Additional Rent Controller, Delhi and that of the High Court are accordingly set aside.

The appeal stands allowed accordingly.

.....J.
(K.S. RADHAKRISHNAN)

.....J.
(PINAKI CHANDRA GHOSE)

NEW DELHI,
JULY 15, 2013

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).8930/2012

(From the judgement and order dated 21/11/2011 in CRP No.410/2003 of The
HIGH COURT OF DELHI AT N. DELHI)

ZAHIDA BEGUM Petitioner(s)

VERSUS

AKHTAR ALI(D) TR.LRS. Respondent(s)

(With prayer for interim relief and office report)

Date: 15/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Manu Nayyer, Adv.
Ms. Manjeet Chawla, Adv.

For Respondent(s) Mr. Pramod, Adv.
Mr. Soumi Kundle, Adv.
Mr. Chanchal Kumar Ganguli, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

| (G. SUDHAKARA RAO) | | (RENUKA SADANA) |
| COURT MASTER | | COURT MASTER |

(SIGNED ORDER IS PLACED ON THE FILE)