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C.A.No. 2328 OF 2001
ITEM NO.108

Court No.11

SECTION IV

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

CIVIL APPEAL NO. 2328 OF 2001

SHASHI BAJAJ

Appellant (s)

VERSUS

DEEPAK ARORA

Respondent(s)

(With appln(s) for early hearing and office report)

WITH Civil Appeal NO. 55 of 2003

(With application for bring on record subsequent event and directions)

(With office report)

Date: 29/09/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s) Mr. Amar Vivek,Adv.
In CA 2328/01& Mr. Arun Kumar Singh,Adv.
Res. In CA 55/03 Mr. Jasbir Singh Malik,Adv.
Mrs. Kamakshi S. Mehlwal,Adv.

For Respondent(s) Mr. Anant Vijay Palli,Adv.
In CA 2328/01 & Ms. Shubhra Singh,Adv.
Apptt. in CA 55/03 Mrs. Rekha Palli,Adv.

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

The appeals are dismissed in terms of the signed order.

(Neena Verma) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2328 OF 2001

Shashi Bajaj
...Appellant

Versus

Deepak Arora
...Respondent

W I T H
Civil Appeal No.55 of 2003

O R D E R

These two appeals are taken up for disposal together.

Smt. Shashi Bajaj (hereinafter referred to as the 'landlady') purchased the premises on 02.03.1995. Shortly thereafter, an application for eviction against Deepak Arora, respondent No.1 in Civil Appeal No.2328 of 2001 was filed on the ground of bonafide need in terms of The East Punjab Urban Rent Restriction Act, 1949 (in short the 'Act'). Though the Rent Controller accepted the prayer for eviction, the same was upset by the First Appellate Authority and by the impugned judgment in Civil Appeal No.2328 of 2001, the High Court maintained the judgment of the First Appellate Authority. So far as Civil Appeal No.55 of 2003 is concerned, the Rent Controller dismissed the application filed against Prem Vir Prabhakar, the appellant in Civil Appeal No. 55 of 2003. The First Appellate Authority reversed the conclusions of the Rent Controller and the High Court maintained it. Civil Appeal No.2328 of 2001 relates to the ground floor whereas Civil Appeal No.55 of 2003 relates to the first floor of the building. Undisputedly, the landlady was occupying the second floor. It is fairly accepted by learned counsel for the appellant in Civil Appeal No. 55 of 2003 that before the matter could be taken up by this Court on 08.01.2003, the landlady had taken possession of the premises, a few days before the order of stay was passed. It is pointed out by learned counsel appearing for the respondent in Civil Appeal No.2328 of 2001 that since the landlady has obtained possession of the first floor, the bonafide need, if any, for use of the premises has been sufficiently and substantially met.

In view of the aforesaid peculiar circumstances, we do not think it necessary to go into the merits of the respective appeals in detail. We may add that in Civil Appeal No.55 of 2003, apart from the fact that the possession has already been delivered, on merits also, we find no reason to interfere with the conclusions of the High Court. We dismiss the appeals. However, if at any subsequent point of time, the landlady establishes her plea regarding bonafide requirement of the ground floor, the same shall be considered in its proper perspective by the forum dealing with the application, if any, filed. The appeals are, accordingly, dismissed.

.....J.

(ARIJIT PASAYAT)

.....J.

(C.K. THAKKER)

New Delhi,
September 29, 2004.