

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8473/2007

(From the judgement and order dated 25/07/2005 in WP No.133/2003 and Order dated 08/11/2006 in RP No. 53/2005 of the HIGH COURT OF UTTARANCHAL AT NAINITAL)

POONAM SIKAND

Petitioner(s)

VERSUS

SATPAL SINGH

Respondent(s)

(With prayer for interim relief and office report)

Date: 05/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. N.S. Vashisht, Adv.

Mrs. Kanchan Kaur Dhodi, Adv.

For Respondent(s)

Mr. L. Nageswara Rao, Sr.Adv.

Mr. Subramonium Prasad, Adv.

Mr. Rohit Tondan, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The Civil Appeal is disposed of in terms of the signed order. No order as
to costs.(N. Annapurna)
Court Master(Madhu Saxena)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4659 OF 2007
(Arising out of S.L.P.(C) No.8473/2007)

Poonam Sikand

...Appellant

Versus

ORDER

Leave granted.

Heard learned counsel for the parties.

In the present matter, vide Writ Petition, the High Court after re-appreciating the entire evidence has interfered with the concurrent findings of fact stating that there has been glaring concealment of facts by the landlady (who has sought eviction of respondent-tenant on the ground of personal necessity). According to the High Court, the courts below have also ignored totally certain facts which have been concealed by the landlady. After stating so, the High Court has come to the conclusion that bona fide requirement of the landlord has not been proved.

Having gone through the records, we are of the view that instead of re-appreciating the entire evidence, the High Court should have remitted the matter back to the First

Appellate Court particularly when it has come to the conclusion that certain facts were suppressed. That has not been done.

In the circumstances, we set aside the impugned judgment and remit the matter to the learned Additional District Judge, 5th, Dehradun to hear and decide Rent Control Appeal No.148/2001 de novo. We request the learned Additional District Judge to hear and dispose of the appeal above-mentioned as expeditiously as possible and preferably within six months from today.

The Civil Appeal is, accordingly, disposed of. No order as to costs.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)