

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.7194-7197 OF 2004

RANDHI ADILAKSHMI

Appellant (s)

VERSUS

VAZIR KHAN

Respondent(s)

(With office report)

Date: 14/12/2006 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Appellant(s)

Mr. Naveen R. Nath,Adv.

Ms. Lalit Mohini Bhat,Adv.

Ms. Hetu Arora,Adv.

Ms. Anitha Shenoy,Adv.

For Respondent(s) Mr. Ananga Bhattacharya,Adv.

Mr. Dinesh Chandra,Adv.

Mr. P.S. Narasimha,Adv.

Mr. S. Potaraju,Adv.

for M/s.P.S.N. & Co.,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are allowed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7194-7197 OF 2004

Randhi Adilakshmi

...Appellant(s)

Versus

Vazir Khan

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The trial court granted a decree for eviction on the ground

of bona fide need after recording finding that the denial in relation to title of the plaintiff was not bona fide and the landlord succeeded in proving the ground of bona fide need. The said order has been confirmed in appeals. Thereafter when the matters were taken to the High Court in revisions, the same have been allowed and the orders passed by the trial court and the appellate court set aside by observing that relationship of landlord and tenant between the parties did not exist, though the said findings recorded by the trial court and confirmed by the appellate court have not been upset. The tenant claims that he was inducted

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by father of the appellant as a tenant and thereafter property devolved upon appellant's mother, who gifted the property in favour of the appellant. This being the position, the High Court was not justified in holding that relationship of landlord and tenant between the parties did not exist.

Accordingly, the appeals are allowed, impugned orders passed by the High Court are set aside and those passed by the trial court and confirmed by the appellate court are restored. The respondent is granted time till 31st December, 2007, to vacate the premises in question upon filing usual undertaking in this

Court within a period of four weeks from today.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

December 14, 2006.