

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11490 OF 2014
(@ SPECIAL LEAVE PETITION (C) NO.11210 OF 2010)

USHA DEVI

...APPELLANT(S)

VERSUS

CHANDRABHAN JAIN (D)
THROUGH LRS.

...RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Allahabad in Civil Miscellaneous Writ Petition No.55108 of 2003, dated 01.12.2009.

3. The appellant-herein is the owner of the house bearing Municipal No.4, at Katra Sunaran, Firozabad. In the said house, there is a disputed shop opening on the road bearing Municipal No.4/1 in which the respondent is the tenant. The appellant had moved an application under Signature Not Verified

Digitally signed by
Ramana Venkata Ganti
Date: 2014.12.18

Section 21(1) of the U.P. Act No.XIII of 1972 (P.A. Case
16:07:43 IST
Reason:

No.98 of 1993) before the Prescribed Officer/ Civil
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Judge, Firozabad (in short, "the Prescribed Officer") for release of the property in his favour on the ground of bona fide personal need. The Prescribed Officer allowed the application and directed the respondent to vacate and hand over the vacant possession of the property in question vide its order dated 08.02.2002.

4. Being aggrieved by the order passed by the Prescribed Officer, the respondent preferred an appeal before the Court of Additional District Judge, Ferozabad. The learned Additional District Judge allowed the appeal filed by the respondent and quashed the order passed by the Prescribed Officer.

5. The appellant being aggrieved by the judgment and order passed by the Additional District Judge, Ferozabad preferred writ petition before the High Court. The High Court dismissed the writ petition filed by the appellant and allowed the judgment and order passed by the Additional District Judge, Ferozabad. Aggrieved by the judgment and order passed by the High Court the appellant is before us in this Civil Appeal.

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6. Heard learned counsel for the parties to the lis.

7. After carefully going through the records and keeping in view the peculiar facts and circumstances of the case, we are of the considered opinion that the order passed by the Additional District Judge, Ferozabad, dated 17.09.2003 needs to be set aside and orders passed by the Prescribed Officer dated 08.02.2002 be restored.

8. Accordingly, while allowing the appeal, we set aside the order passed by the Additional District Judge, Ferozabad, dated 17.09.2003 and restore the order passed by the Prescribed Officer, dated 08.02.2002

9. However, we grant the respondent(s) two year's time from today to quit and deliver the vacant possession of the premises in question to the appellant-herein.

10. The respondent(s) shall file the usual undertaking before the Registry of this Court within

eight weeks' time from today.

11. If, for any reason, the respondent(s) does not comply with the orders and directions issued by this

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Court, the appellant is at liberty to take the assistance of the police authorities to take possession of the premises in question.

.....CJI.
(H.L. DATTU)

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

.....J.
(R.K. AGRAWAL)

NEW DELHI;
DECEMBER 12, 2014

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ITEM NO.79

COURT NO.1

SECTION XI

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 (C) No(s). 11210/2010

(Arising out of impugned final judgment and order dated 01/12/2009 in CMWP No. 55108/2003,01/12/2009 in CMWP No. 55108/2003 passed by the High Court Of Judicature at Allahabad)

USHA DEVI

Petitioner(s)

VERSUS

CHANDRABHAN JAIN (D) THR. LRS.

Respondent(s)

(with office report for direction)

Date : 12/12/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr.Subramanium Prasad, Adv.
Mr. Devashish Bharuka, Adv.
Mr.Vaibhav Niti, Adv.

For Respondent(s) Mr. Rajesh, Adv.

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

Leave granted.

The appeal is allowed, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)