

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).15423/2013

(From the judgement and order dated 21/12/2012 in RCREV No.216/2012 of The HIGH COURT OF DELHI AT N. DELHI)

PUSHPA DEVI & ANR.

Petitioner(s)

VERSUS

KIRAN SACHDEVA & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

Date: 03/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Vivek Singh, Adv.
Mr. Manish Kaushik, Adv.
Mr. Arvind Kumar Gupta, Adv.

For Respondent(s)

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

We find no substance in the special leave petition as we are of the view that the courts below have not committed any error while holding that there was a triable issue in view of the defence case of the respondent-tenant that the petitioners have other premises to conduct their business of readymade garments. However, counsel for the petitioners submitted that the business which is being conducted in her family is a joint business along with the son-in-law, and after eviction, the petitioner wants to have an independent business of her own; in that view of the matter, leave to defend was rightly rejected by the Trial Court.

As already indicated, in view of the defence version and the contentions raised, the issue cannot be held as a non-triable issue so as to straightaway decree the suit in favour of the petitioners-landlords.

However, considering the plea of the petitioners that she wants to conduct her business independently and separately from her son-in-law and daughter, as also the fact that the petitioner is aged 75 years and is interested in generating income of her own, we direct that the suit be heard expeditiously, and in any event, not later than a period of six months from the date of receipt of a copy of this order, provided the petitioners cooperate with the same.

Accordingly, the special leave petition is dismissed.

(NAVEEN KUMAR)
COURT MASTER

(SNEH BALA MEHRA)
COURT MASTER