

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No 2031 of 2022**

(Arising out of SLP(C) No 11574 of 2018)

**Nandini J Shah**

**.... Appellant(s)**

**Versus**

**Life Insurance Corporation of India & Ors**

**....Respondent(s)**

**ORDER**

1 Delay condoned.

2 Leave granted.

3 The appeal arises from a judgment and order of a Single Judge of the High Court of Judicature at Bombay dated 14 August 2012. A petition under Articles 226 and 227 of the Constitution was instituted by the appellant in order to challenge an order dated 5 December 2011 of the Estate Officer and the judgment dated 3 April 2012 of the City Civil Court, in an appeal against the order of the Estate Officer. The Estate Officer passed an order for eviction under Section 5(1) of the Public Premises (Eviction of Unauthorized Occupants) Act 1971 and for the recovery of damages, together with interest, under Section 7. The Single Judge, by the impugned order, dismissed the petition.

4 On 27 April 2018, senior counsel appearing on behalf of the appellant stated, on instructions, that possession of the premises would be handed over to the first

respondent by 10 May 2018. However, it was stated before this Court that the appellant would wish to press the findings on the question of damages. Notice was accordingly issued. Pursuant to the above statement, the Court was informed on 11 May 2018 that possession has been handed over to the first respondent.

- 5 The only surviving issue pertains to the claim for damages. The valuation report, which was relied upon by the first respondent, indicates that the premises are situated at Apollo Street, Fort, Mumbai on the third floor of the building. The carpet area is 434 sq ft, comprising of the area of a room which admeasures 28 ft x 10 ft (a total of 280 sq ft) and mezzanine area which is 154 sq ft. The Valuer assessed the rent at Rs 48,143 per month. The actual monthly rent was Rs 895.
- 6 Having perused the order of the Estate Officer, which is based on the valuation report, and the order of the City Civil Court as well as the judgment of the Single Judge, we are of the view that the rent which has been fixed in the amount of Rs 48,143 is disproportionate to the condition and situation of the property and would have to be suitably scaled down having regard to the facts and circumstances of the case.
- 7 The appellant is stated to be 80 years of age and is suffering from *alzheimer* and a relapse of cancer. A statement to that effect has been made by counsel appearing on behalf of the appellant.
- 8 In this backdrop and instead of remanding the proceedings back either to the Estate Officer or to the City Civil Court for fresh determination of the quantum of damages, the ends of justice would be met by rendering finality to the quantum of damages which are to be paid by the appellant to the first respondent. Hence, we direct that the appellant shall pay damages at the rate of Rs 3,000

per month instead and in place of the monthly rent which was Rs 895 for the period commencing from 1 December 2004 till the premises were actually handed over, i.e., 10 May 2018. The amount fixed at Rs 3,000 per month shall be paid over without any deduction or adjustment whatsoever and the entire amount so computed shall be paid over within two months from the date of this order. The premises have already been handed over to the first respondent and the quantum of damages shall be substituted by the above directions.

9 We clarify that the above order has been passed in exercise of our jurisdiction under Article 142 of the Constitution in order to render finality to the long pending litigation. The order of the High Court shall stand modified to the above extent.

10 The appeal is accordingly disposed of.

11 Pending application, if any, stands disposed of.

.....J.  
**[Dr Dhananjaya Y Chandrachud]**

.....J.  
**[Surya Kant]**

.....J.  
**[Vikram Nath]**

**New Delhi;**  
**March 15, 2022**  
**-S-**

ITEM NO.2

COURT NO.4

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s).11574/2018

(Arising out of impugned final judgment and order dated 14-08-2012 in WPC No. 4337/2012 passed by the High Court of Judicature at Bombay)

NANDINI J. SHAH

Petitioner(s)

VERSUS

LIFE INSURANCE CORPORATION OF INDIA &amp; ORS.

Respondent(s)

(WITH IA No. 57134/2018 - CONDONATION OF DELAY IN FILING, IA No. 57138/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69679/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 57136/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 57142/2018 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS, IA No. 69680/2018 - TO BRING ON RECORD SUBSEQUENTS EVERNTS)

Date : 15-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Amar Dave, Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Rishi Maheshwari, Adv.  
Ms. Shruti Jose, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.  
Ms. Indra Sawhney, AOR  
  
Ms. Anne Mathew, AOR  
Mr. Bharat Sood, Adv.

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

1 Delay condoned.

2 Leave granted.

- 3 The appeal is disposed of in terms of the signed order.
- 4 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**

**(Signed order is placed on the file)**