

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 for Special Leave to Appeal (C) Nos. 16652-16653/2018
(Arising out of impugned final judgment and order dated 01-04-2016
in SA No. 47/2005 and 16-11-2016 in CR No. 263/2016 passed by the
High Court of Judicature at Patna)

SMT. SHANTI LATA GHOSH (DEAD) THROUGH LRS. Petitioner(s)

VERSUS

SMT. PUSHPA SHEE (DEAD) THROUGH LRS. Respondent(s)
(IA No. 100025/2020 - CONDONATION OF DELAY IN FILING ADDL.
DOCUMENTS, IA No. 72842/2018 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT AND IA No. 100023/2020 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Ms. Shashi Kiran, AOR
 Mr. Lalit Kumar, Adv.
 Mr. Satish Chandra, Adv.
 Mr. Arjun Sain, Adv.
 Ms. Sangeeta Bhalla, Adv.

For Respondent(s) Mr. Ranjan Mukherjee, AOR
 Mr. Sandeep Lamba, Adv.
 Mr. Sagar Roy, Adv.
 Ms. Swati Jain, Adv.
 Shashi Kumar, Adv.

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

Delay condoned.

Applications for substitution are allowed.

Cause title be amended accordingly.

Heard learned counsel for the petitioner(s) and perused the
petition papers.

We note that the trial Court at the first instance, through
its judgment dated 12.07.2001 had dismissed the Eviction Suit which

was upheld by the lower Appellate Court through its judgment dated 18.10.2004. In the second appeal, the High Court having taken into consideration all aspects and on taking note that the Courts below had concurrently erred has thereafter arrived at its conclusion through its judgment dated 01.04.2016 allowing the appeal and ordering eviction.

Though this Court while directing notice on 05.07.2018 had stayed the implementation of the judgment, a perusal of the judgment passed by the High Court would disclose that the respondent herein had in fact, established the case before the trial court itself with regard to the bonafide requirement to occupy the premises but the trial court had erred in its conclusion.

In any event, sufficient time has elapsed and keeping in view that the respondents herein require the premises, the judgment passed by the High Court is upheld. The petitioner(s) are however, granted eight months' time from this date to vacate and hand over the vacant possession to the respondent(s) herein subject to the usual undertaking being filed in the Registry within three weeks from today.

The special leave petitions are disposed of.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR