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SLP(C)No. 17685 OF 2003
ITEM No.209

Court No. 7

SECTION XIV
A/N MATTER

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 (Civil) No.17685/2003
(From the judgement and order dated 02/04/2003 in FAO 81/03
of The HIGH COURT OF DELHI AT N. DELHI)

DELHI FINANCIAL CORPORATION

Petitioner (s)

VERSUS

V.P. PURI & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 16/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)Ms.Pinky Anand, Ms. Geeta Luthra and
Mr. D.N. Goburdhan,Advs.

For Respondent (s)Mr. Salman Khurshid,Sr.Adv.
Mrs. Anjali K.Varma,Mr.Imtiaz Ahmed,Mr.A.Narayan
Mr. Niraj Gupta & Mr. P.D. Sharma,Advs.

Mr. Vijay Kaushik,Adv.

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

Heard the learned counsel for the parties for 20 minutes.

Leave granted.

The appeal is disposed of in terms of the signed order.

(Y.P. Dhamija)(Veera Verma)
AR-cum-PS Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4148 OF 2004
(arising out of SLP(C) No. 17685/2003)

Delhi Financial Corporation

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APPELLANT (S)

VERSUS

V.P. Puri & Ors.

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RESPONDENT (S)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The respondents are the owners of a building in Delhi. The building was let out to the Union of India as per a lease deed dt. 1st August, 1994. The appellant Delhi Financial Corporation claims that they are the sub-lessee in possession of this building under the Union of India by virtue of Clause (4) of the lease deed executed by the Union of India in favour of the respondents. They filed an application to implead themselves in the Suit filed by the respondents but the prayer was rejected by the learned Single Judge and that was challenged before the Division Bench and Division Bench too rejected the prayer of the respondents.

The counsel for the appellant submits that the building has been in occupation of the appellant since it was leased to the Union of India and the appellant Corporation is a proper party for the proceedings for eviction. The Union of India had on earlier occasion filed application to implead this appellant and the same was rejected. Counsel pointed out that the appellant was not a party to that proceedings and the common order was passed therein. It is also submitted that appellant is directly paying rent to the landlords.

Counsel for the respondents seriously objects to the impleadment of the appellant Delhi Financial Corporation and it is contended that the appellant Corporation is not a sub-lessee and may be permissive occupant under the Union of India. It is also submitted that impleadment of the appellant would protract the litigation proceedings and the respondents would not be in a position to recover the possession within a reasonable time.

Having regard to the facts and circumstances of the case, we feel that appellant Corporation would be a proper party for the proceedings as the disputes between the parties would be effectively settled. The learned Single Judge, before whom the matter is pending, is directed to implead the Delhi Financial Corporation as second defendant in the Suit. The appellant shall file the written statement within four weeks from today and the Court is requested to dispose of the Suit at an early date. The appellant Corporation shall not seek adjournment on any flimsy ground. The appeal is disposed of.

.....J

(K.G. BALAKRISHNAN)

.....J(Dr. AR. LAKSHMANAN)

New Delhi,

July 16, 2004.