

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL NO. 5440 OF 2017
 (Arising out of SLP(C) No. 21505/2012)

MANOJ KUMAR BHATT & ANR. APPELLANT(S)
 VERSUS
 RAJ KUMARI (D) THR. LRS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. 5478 OF 2017
 (Arising out of SLP(C) No. 21504/2012)
 CIVIL APPEAL NO. 5479 OF 2017
 (Arising out of SLP(C) No. 22218/2012)
 CIVIL APPEAL NO. 5480 OF 2017
 (Arising out of SLP(C) No. 21684/2012)

O R D E R

1. Leave granted.

2. These appeals are preferred by the landlords against the judgment and order of the High Court of Delhi passed in RCR Nos. 174/2011, 162/2011, 163/2011 and 173/2011, dated 13.04.2012 whereby the High Court dismissed the Revision Petitions by rejecting the Eviction Petitions.

3. We have heard learned counsel for the

2

parties at length.

3. We are satisfied that the High Court committed an error in dismissing the Eviction Petitions filed by the appellants. We find that the respondents-tenants had not made any application(s) for leave to defend. As a consequence, they were not entitled to defend the ground of eviction set up by the landlords pertaining to their bona fide need. There is not doubt that as far as this ground of bona fide need is concerned, it can only be tried according to special procedure prescribed by Section 25B of the Delhi Rent Control Act, 1958 (for short, "the Act" \235). This Court in the case of Vinod Kumar Chowdhry vs. Smt. Narain Devi Taneja, reported (1980) 2 SCC 120 had held that if an application for leave to defend is not filed, the Court must direct eviction.

4. Learned counsel appearing for the

3

respondents-tenants submitted that the eviction petitions were based on several grounds and not only on the ground of bona fide need. He, therefore, contended that the tenants could raise the question of maintainability of the eviction petitions under section 14 (6) of the Act.

5. It is not possible for us to agree with this submission because the other grounds are not relevant in the present matter. If the landlords seek eviction on the ground of bona fide need, then the bar under Section 14(6) of the Act can be pleaded by the tenants only by way of an application for leave to defend. The general defence on other grounds is not available in relation to bar under section 14(6) of the Act. Thus, we consider it appropriate to allow these appeals.

6. The appeals are, therefore, allowed.

4

