

ITEM NO.60

COURT NO.15

SECTION IV-C

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 27125/2026

[Arising out of impugned final judgment and order dated 17-11-2025 in SA No. 2658/2024 01-04-2026 in RP No. 471/2026 passed by the High Court of Madhya Pradesh at Gwalior]

SADHNA & ANR.

Petitioner(s)

VERSUS

RAKESH KUMAR JAIN

Respondent(s)

FOR ADMISSION and I.R.

IA No. 142072/2026 - CONDONATION OF DELAY IN FILING

IA No. 142077/2026 - EXEMPTION FROM FILING O.T.

Date : 11-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :

Mr. Abhay Singh, AOR

Mrs. Ankita Agarwal, Adv.

Mr. Jishnu Adhikari, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Learned counsel for the petitioners submits that the respondent-landlord has sought petitioners' eviction from the subject shop, which is one amongst the 21 shops, for establishing a super market business in the name of "Phool Chand Super Market". However, the respondent-landlord has not established as to whether he is in occupation of the remaining shops.

3. It is also argued that the present is a case where eviction can be sought under Section-12(1)(h) and not under Section-12(1)(f) of the M.P. Accommodation Control Act, 1961 (for short, 'the Act') inasmuch as, a landlord cannot wish to construct a bigger supermarket by evicting all the tenants to fulfil his projected non residential bonafide requirements.

4. It is also submitted that the prerequisites, as contained under Section 12(1)(h) read with Section 12(7) of the Act have not been satisfied.

5. Issue notice, returnable in eight weeks

6. In the meanwhile, the subject decree for petitioners' eviction from the subject suit shop, shall remain stayed till the next date of hearing.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)