

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

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 consequences, 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"). 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

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.

7. The respondents-tenants are directed to be evicted. They shall hand over vacant and peaceful possession of the scheduled premises within a period of one year from today, on filing usual undertaking in four weeks. During this period of one year, the respondents-tenants shall pay rentals @ Rs. 1500/- per month.

.....J.  
[ S.A. BOBDE ]

.....J.  
[ L. NAGESWARA RAO ]

NEW DELHI,  
APRIL 20, 2017.

ITEM NO.5

COURT NO.9

SECTION XIV

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). 21505/2012

(Arising out of impugned final judgment and order dated 13/04/2012 in RCR No. 174/2011 passed by the High Court Of Delhi At New Delhi)

MANOJ KUMAR BHATT & ANR

Petitioner(s)

VERSUS

RAJ KUMARI (D) THR. LRS.  
(With office report)

Respondent(s)

WITH

SLP(C) No. 21504/2012  
(With Office Report)

SLP(C) No. 22218/2012  
(With Office Report)

SLP(C) No. 21684/2012

Date : 20/04/2017 These petitions were called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Nagendra Rai, Sr. Adv.  
Mr. R. Krishnamorthi, Adv.  
Mr. Pahlad Singh Sharma, Adv.

For Respondent(s) Mr. Sanjay Jain, Adv.  
Mr. Vinay Arora, Adv.

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

Leave granted.

The appeals are allowed in terms of the  
signed order.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.

[ Indu Pokhriyal ]  
Court Master

[ Signed order is placed on the file ]