

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).8407/2019

(Arising out of Special Leave Petition (C) No(s).
158/2017)

KUMARI RUCHI BANSAL AND ANOTHER

APPELLANT(S)

VERSUS

BABLI AND OTHERS

RESPONDENT(S)

O R D E R

Leave granted.

The eviction petition was filed by the appellants/landladies (both are sisters (unmarried)) who are musicians seeking eviction of the respondents/tenants initially on three grounds: (1) their bona fide requirement;(2) Nuisance created by the tenants and (3) arrears of the rent. During the course of the trial, the arrears of rent were deposited. Therefore, the third ground was not pressed. The Trial Court as well as the First Appellate Court had held in favour of the

appellants/landladies concluding that the appellants/landladies need the premises (shops) for their bona fide use and occupation for running the music classes. Both the Courts also held that the tenants have caused nuisance in the shops. Thus, ordered for eviction of the tenants/respondents from the shops. The High Court in the revision petition set aside the judgment of the Trial Court as well as the First Appellate Court only on the ground that the appellants/landladies had not mentioned the existence of more two shops in the building.

Having gone through the material on record and having heard learned counsel for the parties, we are of the opinion that the High Court was not justified in concluding so. We find from the evidence that totally four shops were available with the appellants/landladies out of which one was used by the appellants/landladies for storing the old goods. It is also born out from the affidavit filed by the respondents/tenants that appellants/landladies had got four shops. Thus, it is made known to the Court both by respondents/tenants and appellants/landladies that the appellants/landladies have got four shops including these two shops in question. In

our considered opinion, no prejudice was caused to the respondents/tenants by omitting to plead in the plaint about the existence of two shops. We also find that the appellants/landladies have got bona fide requirement for starting the music coaching center. The appellants/landladies are the better master of their requirement of premises. Moreover the finding of the Trial Court as well as the First Appellate Court relating to nuisance is not even adverted to by the High Court.

Be that as it may, since we find that the appellants/landladies have got the bona fide requirement, the impugned order of the High Court is liable to be set aside and the same stands set aside. The appeal is allowed accordingly. The respondents/tenants are granted 06 months' time to vacate the premises subject to filing of usual undertaking within four weeks from today.

.....J.
[MOHAN M. SHANTANAGOUDAR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
NOVEMBER 05, 2019.

ITEM NO.22

COURT NO.14

SECTION IV-B

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). 158/2017

(Arising out of impugned final judgment and order dated 29-08-2016 in CR No. 4743/2013 passed by the High Court Of Punjab & Haryana At Chandigarh)

KUMARI RUCHI BANSAL AND ANOTHER Petitioner(s)

VERSUS

BABLI AND OTHERS Respondent(s)

Date : 05-11-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Narender Hooda, SR. Adv.
Mr. Meenesh Dubey, Adv.
Mr. Ravinder Kumar, Adv.
Dr. Surender Singh Hooda, AOR

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Sanjay Singh, Adv.
Mr. Aniket Jain, Adv.
Mr. Umang Shankar, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)