

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). 23119/2017

(Arising out of impugned final judgment and order dated 15-12-2016 in CMM No. 1112/2016 passed by the High Court Of Delhi at New Delhi)

SHYAMA ARORA

Petitioner(s)

VERSUS

RAMESH CHAND

Respondent(s)

Date : 11-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. C. Mukund, Adv.
Mr. Gaurav K. Singh, Adv.
Ms. Swati G. Mazumdar, Adv.
Mr. F. Mohd., Adv.
Mr. Piyush Sharma, AOR

For Respondent(s)

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

In the eviction proceedings, the Rent Controller, by an order dated 15.7.2016 in Petition No. RC/ARC No. 504/2016 dismissed the petition for eviction on the ground that daughter in law cannot be a dependent of the father in law.

The High Court in paragraph 6 of the impugned order dated 15.12.2016 held that "any member of the family dependent upon him" could include daughter in law.

There is no discussion as far as the evidence is concerned. There is no discussion either by the Rent Controller as well. Ultimately, the High Court has only remanded the matter to the Rent Controller to consider the matter afresh after giving an opportunity to both sides to make their arguments on the evidence/pleadings documents already on record.

Learned counsel for the petitioner apprehends that the High Court, though not in so many words, in the facts of the present case, has arrived at the finding that the daughter in law of the respondent is the dependent. There is no basis of such an apprehension. The High Court has merely stated the legal proposition that the daughter in law also can be a dependent of the father in law even when the son(husband) is alive.

As a matter of fact, in the facts of the present case, whether the daughter in law is dependent on the respondent is a matter yet to be seen by the Rent Controller pursuant to the remand made by the High Court. Therefore, it is for the petitioner to take all available contentions based on the evidence available on record before the Rent Controller.

The special leave petition is disposed of accordingly.

(DEEPAK MANSUKHANI)
AR CUM PS

(RENU DIWAN)
ASST.REGISTRAR