

C.D. Korpai

Vs

Capt. A.K. Madan and Others

Civil Appeal No. 200 of 1982

(P. N. Bhagwati, E. S. Venkataramiah JJ)

11.01.1982

JUDGMENT

BHAGWATI, J. -

1. Special leave granted.

2. This is an appeal by special leave directed against an order dated August 3, 1981 passed by the Delhi High Court rejecting a revision application preferred by the appellant against the order of the Additional Rent Controller, Delhi refusing to grant leave to the appellant to defend a suit for eviction filed against him by the respondents. The respondents claimed eviction of the appellant on the ground of bona fide personal requirement. The appellant was refused leave to defend the suit for eviction even though the ground on which the eviction was sought was bona fide personal requirement and this ground was disputed by the appellant. We are of the view that this is a fit case in which leave to defend should have been granted by the Additional Rent Controller and an opportunity should have been afforded to the appellant to defend the suit. We accordingly allow the appeal, set aside the order passed by the High Court as also the order made by the Additional Rent Controller and grant leave to the appellant to defend the suit. The appellant and the respondents will appear before the Additional Rent Controller on January 25, 1982 for taking appropriate directions from him in regard to the hearing of the suit. The appellant is directed to file his written statement peremptorily; on or before January 28, 1982 and in no case will he be granted time for filing the written statement beyond the period allowed by us and if the appellant does not file the written statement on or before January 28, 1982, the Additional Rent Controller may proceed ex parte against the appellant. There will be discovery and inspection within one week after the filing of the written statement. The Additional Rent Controller will take up the suit for hearing and final disposal not later than February 15, 1982 and will proceed with the hearing of the suit from day to day as far as possible and will dispose of the suit by judgment or compromise, as the case may be, not later than March 21, 1982. The direction given by us are peremptory directions and they shall be carried out strictly and faithfully. There will be no order as to costs in this appeal.

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