

SUPREME COURT OF INDIA

Sita Ram

Vs.

Vijay Kapoor

(S V Manohar and G Pattanaik JJ.)

17.08.1998

ORDER

1. Special leave granted.

2. The only ground on which the High Court has dismissed the petition of the landlord under Section 14C(2) of the Delhi Rent Control Act is that after filing the petition for eviction there is a purported agreement to sell dated 17-3-91 entered into by the landlord with a 3rd party.

3. There is a dispute about this agreement. Moreover, the relevant considerations, under Section 14C(2) are (1) whether the landlord is an employee of the Central Government or the Delhi Administration having a period of less than one year for his retirement, and (2) the premises let out by him are required for his own residence after his retirement. Such employee may, at any time, within one year before the date of his retirement, apply to the Controller for recovery of the immediate possession of such premises. There may be compelling circumstances in a given case which may force the landlord, in desperation, to enter into an agreement to sell. The actual circumstances in the present case were required to be examined.

4. The impugned orders of the High Court as well as of the Rent Controller are set aside and the

matter is remanded to the Rent Controller for consideration of the application on merit expeditiously looking to the fact that this is an application under Section 14C(2). The appeal is disposed of accordingly.