

SUPREME COURT OF INDIA

Harvinder Kaur Sabharwal

Vs.

Navneet Kaur

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

09.04.2008

ORDER

1. The petitioner in this special leave petition is a tenant in respect of Booth No.22, Sector 34-C, Chandigarh in the State of Punjab (in short 'the demised premises) who has been sought to be evicted by the respondent on the ground that she required the demised premises for her personal use and for opening a retail-cum-wholesale shop of garments in the demised premises which was a non-residential building. The Rent Controller dismissed the application of the landlady/respondent. Feeling aggrieved, an appeal was carried before the appellate authority which had reversed the finding on the question of bona fide requirement and directed eviction of the petitioner. Against the order of eviction passed by the appellate authority reversing the order of rejection passed by the Rent Controller, the petitioner approached the High Court for setting aside the order of the appellate authority. The High Court by the impugned order has rejected the application filed by the tenant/petitioner against which this special leave petition has been filed which was heard on notice in presence of the learned counsel for the parties.

2. Mr.P.K.Ghosh, learned senior counsel appearing on behalf of the tenant/petitioner sought to argue that in order to come to a conclusion on the question of bona fide requirement of the landlady/ respondent, the High Court as well as the appellate authority had failed to consider the material provisions of the Act as well as the material evidence on record for which the decree could be passed in favour of the landlady. For this purpose, we have examined the finding of the appellate authority as well as of the High Court and we find that the High Court as well as the appellate authority on consideration of the material evidence, oral and documentary, came to a conclusion of fact that the landlady/respondent was entitled to an order of eviction. Mr. Ghosh, however, could not satisfy us by

showing that the findings on the question of bona fide requirement of the landlady/respondent was either perverse or arbitrary or they had failed to consider the provisions of the Act for grant of an order of eviction. That being the position and in view of the fact that this special leave petition is concluded by the concurrent finding of fact arrived at by the appellate authority as well as by the High Court on the question of bona fide requirement, we have no other alternative but to dismiss the special leave petition. Accordingly, this special leave petition is rejected.

3. Considering the facts and circumstances of the case, we grant time to the petitioner to vacate the premises in question by 31st of March, 2009, subject to filing a usual undertaking in this Court within four weeks from this date.