

* **HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 311/2015 & CM APPL.11593/2015**

Pronounced on: 15th January, 2016

YODH RAJ Petitioner
Through: Mr. Vijay K. Gupta &
Mr. Mehul Gupta, Advocates.

Versus

NARAIN KUMAR & SONS (HUF) Respondent
Through: Mr. Sanjeev Sindhvani, Senior Advocate
with Mr. Ajay Kumar Gupta, Advocate.

WITH

+ **RC.REV. 315/2015 & CM APPL.11658/2015**

M/S SATYA PRAKASH & SONS (FIRM) & ANR..... Petitioners
Through: Mr. Vijay K. Gupta, Advocate.

Versus

NARAIN KUMAR & SONS (HUF) Respondents
Through: Mr. Sanjeev Sindhvani, Senior Advocate
with Mr. Ajay Kumar Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

V.K. SHALI, J.

1. These are revision petitions filed by the two petitioners against the rejection of their leave to defend application in Eviction Petition

No.E-2/2015 and E-3/2015 in cases titled *Narain Kumar & Sons (HUF) v. M/s. Satya Prakash & Sons (Firms)* and *Narain Kumar & Sons (HUF) v. Yodhraj* respectively.

2. The facts in both the cases are almost similar except in the Eviction Petition No.E-2/2015, the shop in question is bearing No.1/1115 while as in E-3/2015 it is bearing No.1/1114, Bara Bazar, Kashmere Gate, Delhi-110006. Therefore, both these revision petitions are being decided by this common judgment.
3. Briefly stated the facts of the case as averred in the Eviction Petition under Section 14 (1) (e) of the Delhi Rent Control Act, 1958, are that the respondent/landlord is an HUF consisting of Narain Kumar (Karta) and Smt. Uma Kumari and Smt. Sunita Kumari, who are the wife and the daughter-in-law respectively of Karta Narain Kumar. So far as Sushil Kumar and Smt. Sangeeta Mehta are concerned, they are the coparceners of the HUF, being the son and the daughter respectively of the *Karta* Narain Kumar.
4. The case which has been set up by the HUF is that it is the landlord and owner of the tenanted premises which is required bona fide for the benefit of carrying on commercial as well as business activities

by the members of HUF in different fields and that they have no alternative suitable accommodation available to them other than the two tenanted premises from which the eviction is sought.

5. So far as Eviction Petition No.2/2015 is concerned, it has been averred that Sushil Kumar is running a sole proprietary concern under the name and style of M/s. Sushil Instruments Service while as another proprietary concern is being run by Narain Kumar, his father in the business name of M/s. Instrumentation Electronics. Narain Kumar is manufacturing high voltage testers, mega Ohm meters, Micro Ohm meters, etc. while as Sushil Kumar is manufacturing panel meters. It has been stated that they have no other commercial premises in the market which could be used as a showroom for showcasing/selling the instruments and equipments manufactured by both of them. The tenanted premises are stated to be situated in a commercial area which is ideally suited for doing the aforesaid business of trading of these instruments/equipments. It has been stated in the petition that the tenanted premises are situated in Kashmere Gate which is at a walking distance from Old Delhi Railway Station, inter-state bus terminal and inter-change

Metro Station besides being at a walking distance from the biggest electric and electronics goods market in Asia known as Bhagirath Palace. It is stated that the showroom if permitted to be opened at the aforesaid tenanted premises will not only act as a collection centre and a showroom for displaying their products to the customers but it can also act as a service centre for the goods.

6. The respondent/landlord has very fairly stated that the activity of manufacturing of these instruments and equipments is being done at 19-20, Friends Colony, Industrial Area, Shahdara, Delhi which is an industrial area and not a commercial one. It is also stated that they do not have space for opening a showroom/shop for selling their instruments/equipments.
7. The respondent/landlord has given the details of other accommodation owned by them one of which is a flat bearing No.709, 7th floor of a multi-story building at 95, Vishal Bhawan, Nehru Place, New Delhi which is under the tenancy of one M/s. AKM Logistics Pvt. Ltd. since 21.01.2009. It has been further stated that the said premises cannot be used as a showroom being

under tenancy and in any case shop or showroom cannot be opened on the 7th floor.

8. So far as the premises No.1/1114 to 1/1118 in Bara Bazar, Kashmere Gate are concerned the same are stated to be occupied by different tenants and the details of the same are also mentioned in the eviction petition. Premises bearing No.1/1114 and 1/1115 are occupied by the present petitioners/tenants of the present two cases while as other three shops bearing No.1/1116 is occupied by Sunil Bahl and two premises bearing No.1/1117 and 1/1118 are occupied by Manish Vora. The shops occupied by Manish Vora are situated on the ground floor and the second one on the first floor while as the premises from which eviction is sought are situated on the ground floor.
9. The petitioners/tenants filed their leave to defend applications. In both the leave to defend applications filed through the same counsel, similar grounds have been taken on the basis of which it is stated that these grounds if proved would disentitle the respondent/landlord from seeking retrieval of possession of the suit premises.

10. It has been stated that the respondent/landlord has used very clever tactics on its part to seek eviction of the present petitioners/tenants as they essentially want to re-let the premises at a higher rent or alternatively sell the property as the rates of the properties in this area have spiraled upwards. It has been stated that Sushil Kumar, coparcener is running a proprietary firm from property No.19-20, Friends Colony, Industrial Area, Shahdara, Delhi and does not require any space for opening any showroom. The equipments manufactured by him are not an eye catching products which are required to be displayed for the purpose of attracting any customer. Similar averments have been also made about Narain Kumar that the instruments manufactured by him are not required to be sold through display. It has also been stated that the respondent/landlord has alternative suitable accommodation available in the form of flat bearing No.709, 7th Floor, Nehru Place, New Delhi and other shop bearing No.1/1116, Bara Bazar, Kashmere Gate, Delhi which is in their possession while as the possession of shop No.1/1118 has been retrieved in the year 1978. On the basis of details of all these

properties it is alleged that they have sufficient alternative accommodation available to meet their requirement.

11. In addition to this, it has been stated that Narain Kumar, *Karta* is aged around 80 years while as Sushil Kumar is 57 years old and thus they are not in a physically fit state to open a new showroom/shop and run the same as desired by them at this age.
12. The learned Additional Rent Controller (ARC) after hearing the arguments and examining the pleas raised by the petitioners/tenant did not find any merit in any of the averments made by them in the leave to defend applications so as to raise a triable issue which would warrant the grant of leave to defend to the petitioners/tenants and/or which would disentitle the respondents/landlords from retrieving the possession of the suit premises.
13. The present revision petitions have been filed by the petitioners/tenants feeling aggrieved by the impugned order refusing the leave to defend.
14. I have heard Mr. Vijay Kumar Gupta, the learned counsel for the petitioners/tenants and Mr. Sanjeev Sindhvani, the learned senior counsel for the respondent/landlord.

15. The first contention of Mr. Gupta is that while dismissing the leave to defend application of the petitioners under Section 25-B (4) of the DRC Act, the learned ARC has written an order as if he has held a full fledged trial/inquiry on the issues arising from the facts stated in the applications seeking leave to defend. It has been contended that from the tone and tenor of the impugned orders it can be reasonably concluded that the impugned orders have been passed as if the final judgment is being delivered after taking evidence of the parties into account. It is contended that the approach of the learned ARC is beyond the prescribed summary procedure as envisaged under Section 25-B (4) and (5) of the DRC Act which enjoins the leave to contest to be granted to the tenant in case the tenant discharges his onus which is very light and limited to establishing that the respondent/landlord would be disentitled from obtaining an order of eviction in case grounds taken by the tenant are proved. Reliance in this regard is placed by the learned counsel for the petitioners/tenants on *Smt. Jamna Devi & Ors. v. Kude Ram & Anr.*, AIR 1982 SC 1456; *Inderjeet Kaur v. Nirpal*

Singh, (2001) 1 SCC 706; and Charan Dass Duggal v. Brahmanand, (1983) 1 SCC 301.

16. The learned counsel for the petitioners/tenants has also placed reliance on the judgment of the Apex Court in *Presicion Steel case (1982) 3 SCC 270* which has been followed in the subsequent judgments with regard to scope of the power of learned ARC while considering the leave to defend application.
17. Mr. Sindhvani, the learned senior counsel for the respondent/landlord has not contested the proposition of law laid down in the aforesaid judgments, however, he has disputed the contention of Mr. Gupta that the learned ARC has exceeded its jurisdiction in rejecting the leave to defend application on the assumption that the learned ARC is deciding the eviction petition as if on merits. For this purpose he has drawn my attention to some passages of the pleadings as well as the impugned order. He has contended that the grant of leave to defend to the petitioners/tenants should not be done as a matter of course and it should be granted only if a prima facie evidence is brought on record by the tenant by way of facts which if permitted to be

proved would disentitle the landlord from seeking eviction and retrieval of possession.

18. I have carefully considered this submission and gone through the record.
19. Before dealing with the contention of the learned counsel for the petitioners/tenants it may be pertinent here to refer to the judgments which have been relied upon by the petitioners. In *Smt. Jamna Devi & Ors. v. Kude Ram & Anr.*, AIR 1982 SC 1456, the Supreme Court has observed that while examining the application to leave to contest one has to confine to the facts disclosed in the Affidavit and stage of grant of leave is not a stage for a full fledged trial of the issue arising from the stated facts in the Affidavit. This was a case where the landlord had claimed eviction of his tenant from one room with attached *verandah* which was under his tenancy on the ground that he has in his possession only one room in the same property which was inadequate to meet his requirement. The petitioner/tenant had disputed this fact and taken the plea that the landlord has in his possession two rooms instead of one. It was in this context that the Court observed that this is a

matter which needs recording of evidence and subjecting a party to the cross-examination before a finding is returned as to whether the landlord is in possession of two rooms or one room when admittedly the premises were situated in a slum area. It was in this background that the Court observed that while considering the leave to defend application the facts averred in the leave to defend application have to be considered.

20. So far as the proposition of law laid down in the aforesaid judgment is concerned there can be no dispute about the same but the facts averred in the leave to defend application have to be seen in the light of the averments made in the petition. The landlord in the present case has detailed all the accommodations available to him along with their utilization or occupation by different tenants. Therefore, so far as the proposition of law laid down in *Smt. Jamna Devi (supra)* is concerned that does not get violated in any manner whatsoever.

21. In the judgment of *Inderjeet Kaur v. Nirpal Singh, (2001) 1 SCC 706* the Apex Court has observed that the onus on the tenant, with regard to the grant of leave to defend is very light and limited for

the purpose of grant of leave to defend. Obviously, there can be no quarrel with regard to this proposition of law also. But in the same judgment the Court has observed that while dealing with the bona fide requirement of the landlord a cautious and judicious approach plus balanced view of the competing claims is necessary. It has also been observed that though the landlord in a bona fide requirement petition should not have to wait for a long time to evict his tenant, similarly a tenant cannot be thrown out if he has a prima facie case.

22. Judged on the aforesaid touchstone, I feel that there is nothing wrong, illegal or improper in the analysis of the facts as averred by the petitioner in the leave to defend application in the light of the fact averred by the respondent/landlord in eviction petition where there is complete and detailed disclosure by him regarding the other accommodations owned by him. To test this proposition, it may be worthwhile to read the judgment of the learned ARC in this regard.
23. He has observed that so far as the relationship of the landlord and tenant is concerned that is not in dispute. The premises which are

owned by the respondent/landlord are also not in dispute and the respondent/landlord has given the purpose for which the various premises are being used by them. The premises bearing No.19-20, Friends Colony, Industrial Area, Shahdara, Delhi is being used both by the *Karta* and his son for running proprietary business of manufacturing various electrical equipments and instruments. It is the case of the respondent/landlord that because of the change in the strategy due to the present economic scenario where lot of competition is being faced by Indian manufacturing establishments, respondent/landlord intends to start a showroom/shop for the purpose of displaying their products and entertaining their clients at a convenient place in Kashmere Gate, Delhi in the suit premises, i.e. Shop No.1/1114 and 1/1115 which are under the occupation of the present petitioners/tenants.

24. The petitioners have taken the defence that the kind of products which is being manufactured by the respondent/landlord are not required to be sold through display. It does not, first of all, lie in the mouth of the petitioners/tenants, who have absolutely no knowledge or information about the manufacturing or the sale of

the products in question to comment that it is not sold or required to be sold by display in the showrooms. In addition to this, the purpose of having a showroom is not only to sell the products but also to display the products which is in the form of an invitation to the various customers to come and have a see the range of products being manufactured by the manufacturer, have discussion and then if satisfied enter into sale/purchase of the products or place orders. Therefore, this argument of the learned counsel for the petitioners/tenants, in my view is without any merit and does not raise any triable issue.

25. The next argument which has been taken by the petitioners/tenants is the availability of alternative accommodation. Firstly, it has been contended that the premises No.19-20 are 625 sq. meters approximately and they can utilize the same for setting up a showroom. I feel the Apex Court has rightly in a catena of judgments observed that it is not for the tenant to dictate the terms to the landlord as to how he is to live or to conduct his business. Reliance in this regard can be placed on *Anil Bajaj v. Vinod Ahuja*, AIR 2014 SC 2294; *Sarla Ahuja v. United India Insurance*

Company Limited, AIR 1999 SC 100; Uday Shankar Upadhyay & Ors. v. Naveen Maheshwari, (2010) 1 SCC 503. Therefore, the only test to be satisfied by the landlord is that its subjective demands must be objectively assessed by the Court and if found genuine and without any *mala fides* then that demand must be permitted to have its full play and eviction must be ordered. This is more so when the tenant has been occupying and enjoying the premises for a considerable length of time and he has never been disturbed by the respondent/landlord which is indicative of the prima facie fact that unless and until the respondent/landlord is in dire need of his own accommodation, which he has every right to utilize to its fullest potential, he should not be deprived of the retrieval of possession.

26. So far as opening of a showroom in the manufacturing unit itself is concerned, that is of no consequence because it will not serve any purpose. Moreover, the respondent has averred that premises No. 19-20, Friends Colony, Industrial Area, Shahdara, Delhi are industrial area, while as he needs to open a showroom/shop in a commercial area.

27. As regards the plea of the petitioners/tenants that the respondent/landlord has a flat No.709, 7th Floor, Nehru Place, New Delhi that can hardly be said to be suitable for a showroom. A showroom has to be on the ground floor and not on the upper floors much less on the seventh floor.
28. During the course of arguments the learned counsel for the petitioners/tenants has also referred to some portion of the documents purported to have been filed by son of Narain Kumar, respondent/landlord to contend that the son of the respondent is doing consultancy business in Vivek Vihar and therefore that is an alternative accommodation. I do not consider that this plea deserves to be dealt with because this is not a plea taken in leave to defend application.
29. The petitioners/tenants have also given two other properties which are in the vicinity of the suit property which are stated to be available to the respondent/landlord. One is shop No.1/1116 which is stated to be in possession of another tenant Sunil Bahl and other Shop No.1/1118 of which possession was retrieved in the year 1978 but it was stated to be let out again around the same time and

if that is so, then that can hardly be a ground to attribute mala fides to the respondent/landlord so far as retrieval of shops in question are concerned. This is because of the fact almost 30 years have elapsed from the said letting out and moreover so far as the present eviction is concerned, Section 19 of the DRC Act sufficiently protects the interest of the tenants in as much as the respondent/landlord has to occupy the premises within a period of two months from the date of eviction order and if he fails to do so, the petitioners/tenants can retrieve the possession again. Simultaneously, there is a bar of three years prescribed under Section 19 (1) of the Delhi Rent Control Act within which it can neither be sold nor let out, that is again a restriction which has been placed on the respondent/landlord. Therefore, all these factors have been considered by the trial Court in the light of the averments made by the petitioners/tenants and it is not open to the petitioners to contend that whatever is averred by them in the application seeking leave to defend should be taken as a gospel truth and considered without reference to the averments made in the eviction petition and then leave to defend should be granted to the

petitioners/tenant. If this is permitted to be done then practically in every matter where the leave to defend application is filed, the learned ARC will be obligated to grant leave as a matter of course and as a result even in a case where no prima facie case to disentitle the landlord from retrieval of possession of the suit premises is made out, still the leave having been granted, landlord will have to wait endlessly for retrieving the possession because the processes of law and the trial is bound to take considerable length of time. This will lead to an absurd situation which can be aptly explained by the idiom “*grass will grow and the horse will die*”.

30. Therefore, this contention of the learned counsel for the petitioners/tenant, in my considered opinion does not have any merit. The learned ARC has also considered the justification of opening a showroom at the suit premises in the light of averments made by the petitioners/tenants in his leave to defend application by urging that the showroom can be opened at an alternative suitable place available to the respondent/landlord which has been also rejected by the learned ARC and rightly so by observing that

the suit premises are in the thick of commercial areas surrounded by all sides and easily accessible to all the persons, i.e. Old Delhi Railway Station, Inter-State but terminal, Kashmere Gate Inter-change Metro Station and also near the Asia's biggest electric and electronic market in Bhagirath Place. The learned ARC has taken judicial notice of this in impugned order and these facts are also averred by the respondent/landlord in his eviction petition in order to justify the relevance and need of opening a showroom at the suit premises. Having done so, the Court cannot simply ignore all these facts and consider the application for grant of leave to defend of the petitioners/tenants in isolation or *dehors* the facts averred by the respondent.

31. I, therefore, feel that by no stretch of imagination it can be said that the learned ARC while deciding the application of the petitioners/tenants has indulged in deciding the matter as if he was deciding the same on merits after recording of evidence or holding full fledged trial. On the contrary, I feel that this submission of the learned counsel for the petitioners is totally bereft of any merit and it is only a ploy to prolong the litigation knowing fully well once

the leave to defend is granted, it will take decades for the respondent/landlord to retrieve possession.

32. It may also be pertinent here to refer that the petitioners/tenants as a matter of fact raised the question of age of both the *Karta* and his son as being 80 and 57 years of age as a ground to urge that this is not the age when a person would start an independent business. I feel that this is an absurd submission made by the petitioners that age has any relevance for starting and running of a showroom. It is not in dispute that even at this age both the *Karta* and the son are working and if they can supervise the manufacturing unit or are carrying out manufacturing activity certainly, it cannot be assumed that they cannot run a showroom. In any case it is not for the petitioners/tenants to contend that this is not the age for starting and running a new business.

33. The next contention of the learned counsel for the petitioners/tenants Mr. Gupta is that it is a case of additional accommodation and therefore, in terms of judgment of the Apex Court the petitioners ought to have been granted leave to defend. This fact has been disputed by Mr. Sindhvani, the learned senior

counsel for the respondent/landlord. He has contended that it is not a case of additional accommodation nor is a case of expansion of business as is sought to be urged by the learned counsel for the petitioners. He has contended that it is only change of strategy in selling the products which are already being sold by the respondent/landlord.

34. I fully agree with the contention of Mr. Sindhwani, the learned senior counsel for the respondent/landlord that this cannot be considered to be a case of additional accommodation.
35. A case can be considered ordinarily to be a case of additional accommodation only if the tenant and the landlord are living in the same accommodation and landlord is having alternate accommodation available in the same property and wants to evict his tenant from any portion of the said accommodation.
36. Here is a case where the manufacturing unit is in Shahdara and the suit property is in Kashmere Gate. The eviction is sought from the suit property for the benefit of the members of HUF, two of whom are doing manufacturing activity and intend to have a showroom at the premises in question being in the thick of commercial activity

from all sides. In addition to this, it has been stated that there are other lady members of the HUF who also want to utilize their energy gainfully for the economic benefit of the family. Therefore, it is not a case of additional accommodation, this is a case of change of strategy of selling existing products by two of the members of HUF on account of the change in scenario over a period of time because of the market forces and frequent and heavy imports of competing products and equipments that they still want to have a presence in the market. Therefore, this contention also, in my considered opinion does not have any merit and does not raise any triable issue.

37. I may also briefly deal with some of the other judgments which has been referred to by the learned counsel for the petitioner in support of his submission. *Charan Dass Dugga v. Brahmanand (1983) 1 SCC 301* has been referred to against the order passed by the learned ARC contending that the very fact that the Rent Controller has written a lengthy judgment as if it has been passed on merits was considered to be a ground to grant leave in that particular case.

38. In the present case, I do not consider that the learned ARC has returned a lengthy/long judgment. On the contrary he has in a systematic, lucid, accurate and in an objective manner dealt with the contentions of the learned counsel for the parties and had recorded his finding that the case does not raise any triable issue. Similarly, before this Court also the learned counsel for the petitioners had essentially, as has been mentioned hereinabove, raised two points assailing the bona fide requirement, first is bona fides of the respondent/landlord with regard to requirement and secondly, it has been urged that it is a case of additional accommodation. Further, the learned counsel for the petitioners has cited as many as nine judgments in support of his contention. In such an eventuality, where the petitioners cited as many as nine judgments and taken hours together in addressing the argument in order to convince the Court that he has a case raising a triable issue, the Court is called upon to deal with each of the submissions irrespective of the outcome. In case the Court does not deal with any of the submissions then it is accused of that all the submissions have not been dealt with. It is because of these reasons that it is

essentially dependent on the submissions made by the petitioners themselves which determine the length of the judgment. In any case, what is material is not the length of the judgment but the substance. Therefore, I feel the observations of the Apex Court in *Charan Dass Dugga*, (*supra*) though to be borne in mind but cannot be applied like a straight jacket formula in each and every case especially in a case where detailed arguments are addressed.

39. *Santosh Devi Soni v. Chand Kiran*, JT 2000 (3) SC 397, and *S.M. Mehra v. D.D. Malik*, (2001) 1 SCC 256 are the judgments which by no stretch of imagination can be treated as a precedent because these are very short orders recorded as per the facts of the said cases where the leave to defend has been granted.
40. Two of the judgments which have been relied upon by the learned counsel for the petitioners are rendered by the Single Judge of this Court. These are case titled *Sanjay Chugh v. Opendar Nath Ahuja*, 207 (2014) DLT 271 and *Sudershan Kumar v. Harish Chandra Garg*, 2014 (143) DRJ 489. In both these judgments, no doubt the leave to defend has been granted as per the facts of those two cases. I have gone through the said two judgments. Similarly, in *Kishore*

& Anr. v. Prabodh Kumar & Ors., 2012 (132) DRJ 562, the learned Single Judge of this Court has observed what is the well settled law by now that a mere wish or a desire by the landlord to have premises is not good enough to seek eviction of the tenant and whether the projected requirement of the landlord is genuine and authentic or not it is to be tested by the Court. This judgment also refers to various proposition of law which are well settled by now and are to be observed while deciding a petition for *bona fide* requirement. Facts of none of these three case are anywhere near the facts of the present case. Each case with regard to bona fide requirement has to be tested in the light of the facts urged by the landlord in the petition and the points urged by the tenant in its leave to defend application. No doubt, while considering the points in the leave to defend application what is expected by the tenant is to make out the prima facie case and not a strong probable case that he has to ultimately succeed but all these aspects have to be considered in the light of the averments made by the respondent/landlord himself in the eviction petition. Conversely, it would mean that the leave to defend application is not to be

allowed merely because of the fact that the tenant is able to create a slight prima facie case for the purpose of holding a trial which would ultimately result in futility and rejection of his plea. The Court is cognizant of the fact that keeping in view the very heavy pendency in Courts it takes almost five to six years to conclude trial at the initial stage itself. Therefore, the entire purpose of seeking eviction of the tenant on the ground of bona fide requirement becomes redundant by the time the eviction order comes to be passed if it is established that the requirement of the landlord is genuine. Therefore, the leave to defend application is not to be allowed in cases where on the face of it and the facts of the particular case it is established from the record that in all probability the plea of the tenant is likely to fail.

41. In the instant case also, I feel that the plea which has been raised by the petitioners both with regard to bona fides of the respondent/landlord or the availability of alternative accommodation are not such questions which gives rise to such triable issue which would disentitle the landlord from retrieval of possession.

42. Therefore, there is no impropriety, illegality or jurisdictional error in the orders of eviction which have been passed by the learned ARC.
43. Simultaneously, it may also be observed that I have referred to the three judgments which have been relied upon and which have been mentioned hereinabove and have not guided this Court in any manner so far as deciding of the present petitions are concerned. This is because of the repeated observations passed by the Apex Court that the propositions are not to be applied like mathematical proposition. Each case is to be decided on its own facts and the law which is laid down in a particular case must be applied after correlating the facts of the two cases. Reliance in this regard can be placed on catena of judgments like *Haryana Financial Corporation Vs. Jagdamba Oil Mills*; AIR 2002 SC 834 and *Bhavnagar University v. Palitana Sugar Mills Pvt. Ltd.*, AIR 2003 SC 511; *Union of India & Anr. v. Arulmozhi Iniarasu & Ors.*, AIR 2011 SC 2731.
44. In view of the aforesaid discussion, I feel that the present revision petitions are totally misconceived and the same are dismissed.

45. Pending applications also stand disposed of and stay order against eviction, if any, stands vacated.

V.K. SHALI, J.

JANUARY 15, 2016
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