

DADAN BAI WD/O BHAGCHAND SINDHI

A

v.

ARJUNDAS

MARCH 31, 1995

[R.M. SAHAI AND S.B. MAJMUDAR, JJ.]

B

*M.P. Accommodation Control Act, 1961: Section 23A(b)*

*Lessor—Title not disputed by lessee—Such a lessor is owner at whose instance Eviction petition is maintainable.*

C

The eviction petition filed by the appellant was dismissed by the High Court on the ground that she was not the owner because the premises belonged to the Municipal Corporation.

Setting aside the impugned order and remitting the matter to High Court, this Court

D

**HELD:** A lessor whose title cannot be disputed by the lessee undoubtedly is owner at whose instance the proceedings for eviction were maintainable. Therefore, the High Court was not justified in setting aside the decree passed in favour of the appellant. [110-B]

E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4183 of 1995.

From the Judgment and Order dated 21.7.89 of the Madhya Pradesh High Court in C.R.No. 481 of 1989.

F

Dr. N.M. Ghatate, S.V. Deshpande and Pramit Saxena for the Appellant.

S.K. Agnihotri for the Respondent.

G

The following Order of the Court was delivered:

Leave granted.

Heard counsel for the parties. The eviction petition filed by the landlady-lessor was dismissed by the High Court as she was not the owner

H

- A since even on her own admission the premises belonged to the Municipal Corporation. The word 'owner' used in Section 23-A(b) of M.P. Accommodation Control Act has in our opinion been construed narrowly. A lessor whose title cannot be disputed by the lessee undoubtedly is owner at whose instance the proceedings for eviction were maintainable. Therefore, the High Court was not justified in setting aside the decree passed in
- B favour of the landlord on the ground that since the premises belonged to Municipal Corporation, therefore, the proceedings were not maintainable.

- C The order of the High Court is accordingly set aside. The matter remitted back to the High Court to decide the same afresh in accordance with law and on merits as expeditiously as possible.

The appeal is disposed of.

T.N.A.

Appeal disposed of.