IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (Civil) No. 25567 OF 2025)

DEVENDRA NATH MISHRA & ORS. **APPELLANT(S)**

VERSUS

RAVI BAJPAI **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. The present appeal arises out of the order 07.03.2025 passed by the High Court of Judicature at Allahabad in Matters Under Article 227 No. 1363 of 2024.

3. The undisputed facts of the case reveal that the appellant/landlord acquired ownership of the subject property on 10.07.1984. Following the purchase, a statutory notice was issued under Section 21(1)(a) of the Act, 1972[1] requiring the tenant to vacate the premises upon the expiry of three years.

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Date: 2026.10.08 15:54:41 IST
Reason:

1 . Uttar Pradesh Urban Buildings (regulation of Letting, Rent and Eviction) Act, 1972

4. Despite statutory notice and assurances given before the Prescribed Authority as far back as in 1988, the respondent-tenant failed to vacate the premises. As the appellant required the premises bona fide to establish a medical clinic for his neurosurgeon son, proceedings were initiated, being Original Suit No. 28 of 2010.

5. The appellant took a ground of bona fide need as it was required for establishing a medical clinic for his son, who is a neurosurgeon. Upon consideration of the pleadings and evidence on record, the Prescribed Authority recorded a finding in favour of the appellant on the question of bona fide requirement and passed an order of eviction dated 12.12.2012. The appeal preferred by the respondent-tenant, being Appeal No. 04 of 2013, came to be dismissed by the Appellate Authority, thereby affirming the order passed by the Prescribed Authority.

6. Aggrieved thereby, the respondent-tenant invoked the supervisory jurisdiction of the High Court under Article 227 of the Constitution of India and the High Court has allowed the petition in favour of the tenant-respondent.

7. We have heard learned counsel for the parties and have perused the material placed on record.

8. In the present case, the appellant has acquired the

premises in the year 1984 and filed a civil suit in the year 1986 and since then, the tenant has been enjoying the property. The son of the appellant who wanted to establish his clinic being neurosurgeon, has not been able to do the same as the premises in question has not been vacated for the last 40 years.

9. This Court has considered the statutory provision of Section 21 of the Act, 1972 and the principles laid down by this Court in Ravi Khandelwal vs. Taluka Stores[2]. Para 16 of the aforesaid judgment reads as under:

> ***"16. When we turn to the facts of the present case, what stares us in the face is that while the suit may have been defectively instituted within five years of the tenancy, more than 38 years have now elapsed since the suit was filed. We opine that this passage of time beyond the period of five years would wash away the initial impediment against the suit. We cannot lose sight of the fact that we stare at a factual scenario where the vagaries of litigation have prolonged the suit proceedings for a period of 38 years. The plea of the respondent is that the appellant should be asked to file a fresh suit – perhaps their confidence stems from the fact that if the tenant has already been able to prolong the proceedings for 38 years, a similar scenario would again follow. We are not able to countenance such an interpretation which would defeat the very purpose of creating an initial restriction on the filing of the suit. To say that the landlord should now, once again,***

2 . (2023) 7 SCC 720

> ***restart the proceedings because the initial period of five years had not elapsed, even as now 38 years have elapsed, would be a travesty of justice."***

10. In the said precedent, this Court held that where litigation has dragged on for several decades (38 years in that case), the passage of time washes away initial technical impediments, and prolonged litigation cannot defeat the legitimate need of the landlord.

11. Applying the aforesaid principles, this Court is of the considered opinion that the interests of justice would be subserved by setting aside the impugned order of the High Court and restoring the concurrent findings and orders of eviction passed by the courts below.

12. Accordingly, the impugned judgment and order passed by the High Court is set aside, and the eviction order passed by the Prescribed Authority and confirmed by the Appellate Authority stands upheld.

13. The respondent-tenant shall hand over vacant and peaceful possession of the suit premises to the appellant-landlord within a period of thirty (30) days from today.

14. The respondent-tenant shall clear and pay all outstanding arrears of rent as well as the current rent due, if any, within the aforesaid period of thirty days.

15. The appeal is allowed in the above terms.

16. Pending application(s), if any, shall stand disposed of.

……J.
[SATISH CHANDRA SHARMA]

……J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
06th October, 2026

ITEM NO.51 COURT NO.16 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 25567/2025

[Arising out of impugned final judgment and order dated 07-03-2025 in MUA227 No. 1363/2024 passed by the High Court of Judicature at Allahabad]

DEVENDRA NATH MISHRA & ORS. Petitioner(s)

VERSUS

RAVI BAJPAI Respondent(s)

IA No. 211944/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 06-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Ms. Prachi Mishra, Adv.
Mr. Chaitanya, AOR
Mr. Nishakant Pandey, Adv.
Mr. Kartik Pant, Adv.
Ms. Kirtika Goyal, Adv.
Mr. Anand Kumar Singh, Adv.

For Respondent(s) :Dr. Vinod Kumar Tewari- 1866, AOR
Mr. Raunak Parekh, Adv.
Ms. Toshi Khandelwal, Adv.
Mr. Pramod Tiwari, Adv.
Mr. Vivek Tiwari, Adv.
Mr. Bhoopesh Pandey, Adv.
Ms. Priyanka Dubey, Adv.
Mr. Abhishek Tiwari, Adv.
Mr. Laxmikant Upadhayay, Adv.
Mr. Amit Bhardwaj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.

2. The appeal is allowed in terms of the signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(RAHUL KUMAR)
COURT MASTER (SH)

(KOMAL)
COURT MASTER (NSH)