



REAL ESTATE

Bonafide Need and the Demise of the Landlord: An Examination of the SC decision in *Vinay Raghunath Deshmukh v. Natwarlal Shamji Gada*

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The procedural law and substantive rights frequently requires judicial intervention to ensure that justice is neither delayed nor denied by hyper-technicalities. In the notable judgment of *Vinay Raghunath Deshmukh v. Natwarlal Shamji Gada and Another* (2026 INSC 416), the Supreme Court of India addressed a critical procedural conundrum. The Court examined whether an eviction claim grounded in bonafide need survives the death of the original landlord and whether legal heirs can amend the existing plaint to reflect their emergent necessities. This ruling reinforces the doctrine of subsequent events and delineates the scope of judicial interference under Article 227 of the Constitution.

The genesis of the dispute dates back to a suit for eviction instituted on November 28, 2005, by the original landlord, Raghunath Gopal Deshmukh. The eviction of the respondent tenants from a commercial shop in New Delhi was sought on multiple grounds, including arrears of rent, permanent unauthorized alterations, and the bonafide need of the landlord and his family members. The Trial Court, after scrutinizing the evidence, dismissed the suit on November 29, 2016. It reasoned that the landlord had not finalized the exact nature of the business he intended to commence, thereby casting a shadow of doubt over the genuineness of his bonafide need.

Aggrieved by this dismissal, the original landlord preferred an appeal. However, during the pendency of the appellate proceedings, the landlord passed away on July 24, 2022. Consequently, his legal heirs were impleaded as the appellants. Seeking to sustain the eviction proceedings, the heirs filed an application to amend the plaint to incorporate subsequent events. They specifically pleaded that the appellant's wife, a practicing advocate, required the premises to establish her legal practice, while his son, a medical graduate, needed the space to commence a medical clinic.

The Appellate Bench entertained this application and allowed the amendment. The Bench astutely observed that the original plaint had explicitly invoked the need of the landlord as well as his family members. Consequently, the Appellate Bench remanded the matter to the Trial Court under Order XLI Rule 25 of the Code of Civil Procedure, directing it to record evidence on the newly pleaded facts and return a finding.

Dissatisfied with the Appellate Bench's order, the respondent tenants invoked the supervisory jurisdiction of the High Court under Article 227 of the Constitution. The High Court intervened and set aside the order allowing the amendment. It anchored its decision on the premise that the original landlord's deposition during the trial was strictly confined to his personal need, without elaborating on the requirements of his son or daughter-in-law. The High Court ruled that the cause of action regarding bonafide need perished with the original landlord, directing that the legal heirs must institute a fresh suit if they harboured independent bonafide requirements.

Before the Supreme Court, the appellants vehemently contested the High Court's rationale. They argued that the original pleadings comprehensively encompassed the needs of the family members, ensuring continuity of the cause of action despite the landlord's demise. The appellants strongly advocated for judicial economy, contending that relegating them to institute a fresh suit for the exact same premises would unnecessarily multiply litigation. Furthermore, they emphasized that no prejudice was caused to the tenants, as the Appellate Bench had expressly granted them the liberty to amend their written statement and adduce rebuttal evidence.

Conversely, the respondent tenants defended the High Court's judgment by characterizing the original landlord's claim as highly personal, arguing that it inherently abated upon his death. The respondents further submitted that the High Court was entirely justified in examining the merits of the proposed amendment. They posited that the newly pleaded requirements of the legal heirs constituted an entirely distinct cause of action that could not be grafted onto the original suit.

The Supreme Court formulated three primary issues for adjudication. First, whether a court can conduct a meticulous examination of the merits of a case while deciding an application for the amendment of pleadings. Second, whether an eviction suit based on bonafide need survives the original landlord's death if the legal heirs establish their own requirements. Third, whether the High Court overstepped its supervisory jurisdiction under Article 227 by interfering with the discretionary order of the Appellate Bench.

In its legal analysis, the Supreme Court elucidated the well-established principles governing the amendment of pleadings. The Court reiterated that at the stage of considering an amendment, judicial scrutiny must remain confined to assessing whether the proposed changes are necessary to determine the real controversy between the parties. A deep dive into the merits or demerits of the proposed averments is legally impermissible at this preliminary stage.

The Court further validated the Appellate Bench's exercise of power under Order XLI Rule 25 of the Code of Civil Procedure. It held that the Appellate Bench possessed the requisite authority to frame additional issues arising from subsequent events and

delegate the fact-finding process to the Trial Court. Emphasizing the necessity of adapting to changing circumstances, the Supreme Court noted that for the judicial process to be truly just and meaningful, courts must cautiously take cognizance of subsequent events, such as the demise of a party and the evolving needs of the heirs.

Importantly, the Apex Court observed that the original plaint had expressly pleaded the need for the family members. Therefore, the proposed amendment did not introduce an entirely alien cause of action. Instead, it merely served as a substantiation and clarification of a pre-existing foundational plea. This ensured procedural fairness while maintaining the structural integrity of the original suit.

In its final decision, the Supreme Court allowed the appeal and decisively set aside the judgment of the High Court. The Apex Court concluded that the High Court was wholly unjustified in exercising its supervisory jurisdiction to overturn the well-reasoned, discretionary order of the Appellate Bench. By restoring the order of the Appellate Bench, the Supreme Court allowed the amendment incorporating the needs of the wife and son as valid subsequent events. To expedite the resolution of this prolonged dispute, the Court directed the parties to appear before the Trial Court on June 8, 2026, to resume the evidentiary proceedings. This judgment stands as a robust reaffirmation of procedural pragmatism, ensuring that the wheels of justice are not derailed by the unfortunate demise of a litigant when the substantive cause of action intrinsically survives.

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