

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 4846 OF 2017
(Arising out of SLP(C) No. 24892 of 2015)

HARJIT SINGH ... Appellant(s)

Versus

RAJINDER SINGH ... Respondent(s)

O R D E R

Leave granted.

In a petition filed for eviction by the landlord under The East Punjab Urban Rent Restriction Act, 1949, the Trial Court by an Order dated 08.01.1999 found against the landlord on both counts i.e. on failure to pay arrears of rent as well as no bonafide requirement being made out. The petition was, therefore, dismissed.

The Appellate Authority by its Order dated 27.11.2001 passed a curious order remanding the matter only on whether a landlord tenant relationship was found on facts, and then stated that the matter should be decided afresh. In the second round of litigation, both the Rent Controller and the Appellate Authority allowed the petition on the ground of non-payment of rent. Against these orders, in revision, the High Court

set-aside these orders stating that the Appellate Authority's order of 27.11.2001 should be treated as non-est for which a large number of authorities of the High Court were referred.

This being the position, the High Court in all fairness ought to have sent back the matter to the Appellate Authority, which it failed to do. We, therefore, set-aside the order of the High Court and send back the matter to the Appellate Authority for adjudication on all issues.

As this is an old case, the Appellate Authority will decide the appeal within a period of three months from the date of receiving the order from this Court.

The civil appeal, is accordingly allowed. No costs.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(PRAFULLA C.PANT)

New Delhi,
Dated: 5th April, 2017.

REVISED

ITEM NO.7

COURT NO.12

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24892/2015

(Arising out of impugned final judgment and order dated 30/04/2015 in CR No. 4663/2004 passed by the High Court Of Punjab & Haryana At Chandigarh)

HARJIT SINGH

Petitioner(s)

VERSUS

RAJINDER SINGH

Respondent(s)

(with interim relief and office report)

Date : 05/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. C.S.Bakshi, Adv.
Mr. Rajesh Sharma, Adv.
Ms. Nidhi Singh Dubey, Adv.
Ms. Shalu Sharma, Adv.

For Respondent(s) Mr. K.G.Bhagat, Adv.
Mr. Vineet Bhagat, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for substitution is allowed.

Leave granted.

The appeal is allowed in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(S.S.R.Krishna)
Assistant Registrar

(Signed order is placed on the file)

ITEM NO.7

COURT NO.12

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24892/2015

(Arising out of impugned final judgment and order dated 30/04/2015
in CR No. 4663/2004 passed by the High Court Of Punjab & Haryana At
Chandigarh)

HARJIT SINGH

Petitioner(s)

VERSUS

RAJINDER SINGH

Respondent(s)

(with interim relief and office report)

Date : 05/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE PRAFULLA C. PANTFor Petitioner(s) Mr. C.S.Bakshi, Adv.
Mr. Rajesh Sharma, Adv.
Ms. Nidhi Singh Dubey, Adv.
Ms. Shalu Sharma, Adv.For Respondent(s) Mr. K.G.Bhagat, Adv.
Mr. Vineet Bhagat, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(Signed order is placed on the file)

(S.S.R.Krishna)
Assistant Registrar