

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1073 OF 2017  
(Arising out SLP (C) No. 34476 of 2014)

JAI GOPAL SHARMA AND ORS

Appellant (s)

VERSUS

SUKH DEV

Respondent (s)

O R D E R

- 1) Leave granted.
- 2) We have heard learned Counsel appearing for the parties at considerable length.
- 3) It appears from the facts that concurrently it was admitted that the tenant was in arrears of rent with effect from 01.06.2006. The High Court, in revision, wrongly construed that fact without taking into account the default on the part of the tenant and passed an order.
- 4) In view of the above, such an order passed by the High Court is not sustainable in the eyes of law and therefore, we set aside the order so passed by the High Court.
- 5) Accordingly, the appeal is allowed.

..... J.  
(PINAKI CHANDRA GHOSE)

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

New Delhi;  
January 25, 2017.

ITEM NO.7

COURT NO.6

SECTION XIV

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). 34476/2014

(Arising out of impugned final judgment and order dated 25/09/2014 in CR No. 98/2014 passed by the High Court Of Himachal Pradesh At Shimla)

JAI GOPAL SHARMA AND ORS

Petitioner(s)

VERSUS

SUKH DEV

Respondent(s)

(with interim relief and office report)

Date : 25/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Rajesh Gupta, Adv.  
Mr. Harpreet Singh, Adv.  
Mr. Puneet Taneja, AOR

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.

(R. NATARAJAN)  
Court Master

(SNEH LATA SHARMA)  
Court Master

(Signed order is placed on the file)