

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3545 OF 2017

(Arising out of SLP (C) No.67 of 2016)

MOBIN AHMAD

... Appellant

VERSUS

GAJENDER SINGH

... Respondent

O R D E R

Leave granted.

Heard Ms. Sbobha, learned counsel for the appellant and Mr. Manoj Swarup, learned counsel for the respondent.

The present appeal, by special leave, calls in question the legal acceptability of the order dated 6.10.2015 passed by the High Court of Delhi at New Delhi in RC Rev. No.398 of 2014. On a perusal of the order passed by the learned Single Judge, it is absolutely clear that apart from saying that the Revision is without any merit, the learned Judge has not adverted to any other aspect.

Learned counsel for the appellant would submit that both the rejection of leave to defend as well as the consequent order of eviction was challenged and, therefore, it was obligatory on the part of the learned Single Judge to advert to the merits of the case on both scores. Be that as it may, as no reasons have been

ascribed, we are compelled to set aside the order and remit the matter to the High Court.

Resultantly, the appeal is allowed, the impugned order is set aside and the matter is remanded to the High Court with the stipulation that it shall endeavour to decide the Revision within a period of three months hence. Needless to say, liberty is granted to the appellant to move the High Court for consideration of any interim prayer. There shall be no order as to costs.

.....,J.
(Dipak Misra)

.....,J.
(A.M. Khanwilkar)

.....,J.
(Mohan M. Shantanagoudar)

New Delhi;
March 2, 2017.

ITEM NO.4

COURT NO.2

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). 67/2016

(Arising out of impugned final judgment and order dated 06/10/2015 in RCREV No. 398/2014 passed by the High Court of Delhi at New Delhi)

MOBIN AHMAD

Petitioner(s)

VERSUS

GAJENDER SINGH

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file additional documents and interim relief and office report)

Date : 02/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Ms. Shobha, AOR
Mr. Bonny Mehraad, Adv.

For Respondent(s) Mr. Manoj Swarup, Adv.
Mr. Mukul Kumar, 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, the impugned order is set aside and the matter is remanded to the High Court with the stipulation that it shall endeavour to decide the Revision within a period of three months hence. Needless to say, liberty is granted to the appellant to move the High Court for consideration of any interim prayer. There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)