

(2012) 01 SC CK 0042

In the Supreme Court Of India

Case No : Civil Appeal No. 663 of 2012 (Arising out of SLP (C) No. 14051 of 2011)

Kesar Singh

APPELLANT

Vs

Pushap Lata and Others

RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Himachal Pradesh Urban Rent Control Act, 1987 — Section 14
Limitation Act, 1963 — Article 113, 66, 67

Citation : (2012) 5 SCC 602

Hon'ble Judges : Dipak Misra, J; Dalveer Bhandari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Delay condoned. Leave granted.
2. This appeal has been preferred against the judgment and order dated 16.7.2010 passed by the High Court of Himachal Pradesh at Shimla in Civil Revision No. 14 of 2001 whereby the revision filed by the Appellant has been dismissed by the High Court.
3. The Appellant herein is the landlord and the respondents are the legal heirs of the original tenants. The suit premises was rented out to one Yash Paul Sood at a monthly rent of Rs. 100/- in 1962. He sub-let the said premises to one Devinder Singh S/o Late Shri Sardari Lal. The Appellant filed an eviction petition u/s 14 of the H.P. Urban Rent Control Act, 1987 on the ground of subletting. The Trial Court by its judgment dated 18.5.1998 decreed the suit in favour of the appellant and directed the Respondents to hand over the suit premises to the Appellant within one month from the date of the order.
4. Aggrieved by the judgment and order dated 18.5.1998 passed by the Trial Court, the original tenants filed an appeal before the Appellate Authority, Shimla. By its judgment dated 13th November, 2000, the Appellate Authority holding that

the petition for eviction filed by the Appellant was barred by limitation, set aside the judgment and order passed by the Trial Court and allowed the appeal.

5. The Appellant thereafter filed a civil revision before the High Court of Himachal Pradesh at Shimla. The High Court upheld the judgment of the Appellate Authority and dismissed the revision. The Appellant has approached this Court challenging the judgment and order passed by the High Court.

6. We have heard the Learned Counsel for the parties and have perused the impugned judgment as also the judgments of the Courts below.

7. In the facts and circumstances of this case, we are of the considered view that the High Court committed an error in affirming the order of the Appellate Authority and setting aside the judgment and order passed by the Trial Court as Articles 66, 67 & 113 of the Limitation Act are not applicable to rent proceedings in the State of Himachal Pradesh. The impugned judgment passed by the High Court is, therefore, contrary to law and facts and as such liable to be set aside.

8. Accordingly, the impugned judgment is set-aside, the judgment and order passed by the Trial Court is restored and the appeal is allowed. Parties are directed to bear their respective costs.

9. However, as prayed for by the Learned Counsel for the Respondents, two years' time is granted to the Respondents to vacate the premises upon filing usual undertaking in the Registry of this Court within four weeks from today.