

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10363 OF 2017

[@ SPECIAL LEAVE PETITION (C) NO.20260 OF 2017

@ DIARY NO.12468/2017]

VED PRAKASH

APPELLANT (S)

VERSUS

MUNI LAL

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Delay condoned.

2. Leave granted.

3. The appellant approached the Rent Controller, Solan in Rent Petition No.50/2 of 2001 seeking ejectment of the respondent. The Rent Controller, Solan allowed the petition. The respondent approached the Appellate Authority. The Appellate Authority reversed the order passed by the Rent Controller and allowed the appeal. The order of the Appellate Authority has been upheld by the High Court.

4. In the nature of order we propose to pass, we do not think it necessary to call the respondent before this Court, since the relief can be worked out in accordance with this order before the Rent Controller, Solan.

5. When the matter came up before this Court on 10.07.2017, this Court passed the following order:-

"The petitioner shall get instruction as to whether even after widening the stair case, the petitioner will be in a position to still accommodate the respondent in some other part of the building.

List after four weeks."

6. The said order happened to be passed taking note of the fact that respondent/tenant was a tailor and he needed only minimum accommodation, as has been noted by the High Court.

7. Today, when the matter was taken up, Mr. Sandeep Garg, son of the appellant/Ved Prakash, on due instruction from the appellant, is present before this Court. Learned counsel appearing for the appellant and Mr. Sandeep Garg submits that even after reconstruction of the stair case, the respondent can be accommodated so as to continue his tailoring work.

8. In that view of the matter, we are of the view that the order needs to be worked out before the Rent Controller. Accordingly, we dispose of this appeal and set aside all the orders and remit the matter to the Rent Controller, Solan for the limited purpose, as follows:-

i. The appellant shall provide a suitable and equivalent space to the respondent, after reconstruction of the stair case, in the same shop. The reconstruction shall be undertaken only in such a way.

ii. The respondent shall be evicted only after the approval of the plan for reconstruction of the stair case.

9. The Rent Controller will issue fresh notice to the parties for working out this order.

10. Pending applications, if any, shall stand disposed of.

11. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
AUGUST 09, 2017.