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C.A.No. 2228 OF 1999
ITEM No. 106
Court No. 3
SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2228 OF 1999

FATEH SINGH
.....
APPELLANT (S)

VERSUS

SUDHA SHARMA & ANR.
.....
RESPONDENT (S)

Date : 17/03/2004
This/These Appeal(s) was/were mentioned today.

CORAM :
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s) Ms. Monika Bhanot, Adv.
Ms. Savita Prabhakar, Adv.
Mr. Amit Bhanot, Adv.
Mr. Anil Shrivastav, Adv.

For Respondent (s)
For RR No. lex parte

For RR No. 2 Mr. Satya Mitra Garg, Adv.
Ms. Manju Aggarwal, Adv.

UPON hearing counsel, the Court made the following
O R D E R
The appeal is dismissed in terms of the signed order.

KALYANI
(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2228 OF 1999

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APPELLANT (S)

VERSUS

SUDHA SHARMA & ANR.

.....

RESPONDENT (S)

O R D E R

A suit filed by the plaintiff against the defendant-respondents seeking a recovery of Rs. 7,000/- by way of rent and an injunction restraining the defendant-respondents from making any additions or alterations in the property was dismissed by the trial court which decree has been upheld by the First Appellate Court in the High Court. The plaintiff alleged the defendant-respondents to be tenants in the suit property. The landlord-tenant relationship between the parties was not proved and that has led to the dismissal of the suit. We cannot find fault with the approach adopted by the High Court and the courts below that in the absence of landlord-tenant relationship having been proved the plaintiff was entitled neither to a decree for recovery of rent nor to a decree for issuance of permanent injunction. In spite of the present suit having been dismissed the plaintiff-appellant is still at liberty to bring a suit based on his title over the house property or the land on which the house property stands. In view of that remedy being available to him we are not inclined to interfere with the judgment of the High Court.

The appeal is dismissed.

.....J
(R.C. LAHOTI)

.....J
(DR. AR LAKSHMANAN)

NEW DELHI;
MARCH 17, 2004.