

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2685 OF 2017
(ARISING OUT OF SLP(C) NO.2388 OF 2016

SAIN RAM JHINGTA

....APPELLANT

Versus

SURINDER SINGH

....RESPONDENT

O R D E R

Leave granted.

The appellant has preferred this appeal against the impugned judgment and order dated 9.10.2015, passed by the High Court of Himachal Pradesh in Civil Revision No.54 of 2012, whereby the High Court dismissed the said revision petition and denied permission to the appellant to terminate the tenancy of the respondent on the ground that there is a change of user of the suit premises.

Section 14 of the H.P. Urban Rent Control Act, 1987 (hereinafter referred to as 'the Act'), provides for eviction of tenant if he has used

the building or rented land for a purpose other than that for which it was leased.

The appellant has given the suit premises on rent to the respondent to run a typing institute. This fact is admitted by the respondent after the appellant unequivocally deposed the same in his evidence. It is true that this purpose of letting out the suit premises is not mentioned in the rent agreement. That does not make any difference in view of the clear admission of the respondent.

The other fact that is proved and admitted by the respondent is that he has started to run a tea stall in the suit premises. We find that this amounts to a clear change of user of the suit premises. There is no connection between the business of running a typing institute and running a tea stall. This change thus amounts to a change of user of the suit premises within the meaning of the Act.

It is of no consequence that the respondent is said to have not caused any damage to the suit premises. The ground of eviction for the change of user is clearly made out.

Hence, we allow this appeal, set aside the impugned judgment and order passed by the High Court as well as the order of the appellate court and restore the order passed by the Rent Controller, Court No.1, Rohru, District Shimla, Himachal Pradesh. The respondent is directed to vacate the suit premises and hand over its peaceful possession to the appellant-landlord within a period of one month from today.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

New Delhi;
FEBRUARY 14, 2017.

ITEM NO.9

COURT NO.9

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).2388/2016

(Arising out of impugned final judgment and order dated 09/10/2015 in CR No.54/2012 passed by the High Court Of Himachal Pradesh At Shimla)

SAIN RAM JHINGTA

Petitioner(s)

VERSUS

SURINDER SINGH

Respondent(s)

(With interim relief and office report)

Date : 14/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Ms. Radhika Gautam, Adv.
For Mr. E. C. Agrawala, Adv.

For Respondent(s) Mr. Sanjay Gupta, Adv.
Mr. Mansoor Ali, Adv.
Mr. Sandeep Gowel, Adv.
Mr. S.K. Pathak, Adv.
Ms. Rubina Jawed, Adv.

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.

Pending interlocutory applications, if any, stand disposed of.

(Sanjay Kumar-II)
Court Master

(Indu Pokhriyal)
Court Master

(Signed Order is placed on the file)