

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7371 OF 2012

VIPIN KUMAR JAIN

...Appellant

Vs.

VISHAL KIRTI (D) THR. LRS.

...Respondents

ORDER

1. After hearing the learned senior counsel appearing for the parties and after examining the issue in detail, we are of the definite view that the impugned order passed by the High Court deserves interference by this Court for the reason that there is a definite finding in the impugned order that the respondents had sublet the premises, as they already had another premises where they had shifted their business.

2. The only issue sought to be raised is regarding permission required to be taken from the competent authority under Section 19 of the Slum Areas (Improvement and Clearance) Act, 1956 (for short, "the Act"). The fact remains that even that objection was raised only at the stage when the Second Appeal was being heard in the High Court. Such

a plea though was sought to be raised before the Rent Controller by filing an application under Order VII Rule 11 of the Code of Civil Procedure, 1908, but was not pressed. In the written statement, no such plea was raised. This definitely will be a mixed question of law and fact. However, the situation, as it stands today, is that the appellant has obtained the permission from the competent authority in terms of Section 19 of the Act.

3. Accordingly, we find merit in the present appeal and the same is allowed. The impugned judgment of the High Court is set aside and that of the Rent Controller is restored.

4. At this stage, as requested by learned counsel for the respondents, we grant them time till 31<sup>st</sup> December, 2026 to hand over vacant physical possession of the property in question to the appellant subject to clearance of arrears of rent within one month along with payment of charges for use and occupation of the premises at the same rate in advance for each month. It is subject to the respondents' filing an unconditional undertaking on oath before this Court within a period of four weeks from today to vacate the subject premises as per the above terms.

5. On failure to comply with the terms of the aforesaid undertaking, the appellant shall be entitled to initiate contempt proceedings in addition to any other remedy available to him.

.....J.  
(RAJESH BINDAL)

.....J.  
(MANMOHAN)

NEW DELHI;  
December 04, 2025.

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

Civil Appeal No(s). 7371/2012

VIPIN KUMAR JAIN

Appellant(s)

VERSUS

VISHAL KIRTI(D) TR.LRS.

Respondent(s)

[ TO BE TAKEN UP AFTER TOP OF BOARD MATTER ]

Date : 04-12-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL  
HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) :

Mr. Neeraj Kumar Jain, Sr. Adv.  
Mr. Umang Shankar, AOR  
Mr. Vidyut Kayarkar, Adv.  
Mr. Shalender Singh Negi, Adv.  
Mr. Siddharth Jain, Adv.

For Respondent(s) :

Mr. Akshay Makhija, Sr. Adv.  
Ms. Jyoti Mendiratta, AOR  
Ms. Ananya Basudha, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed in terms of the signed order.

Pending application, if any, shall also stand  
disposed of.(ANITA MALHOTRA)  
AR-CUM-PS(AKSHAY KUMAR BHORIA)  
COURT MASTER

(Signed order is placed on the file.)