

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4941/2006

(From the impugned final order dated 08/12/2005 in CS No. 155/2004 & GA No.2800/2005 of The HIGH COURT OF CALCUTTA)

SUBRATA KUMAR ROY

Petitioner(s)

VERSUS

OUTRAM CLUB & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief ))

Date: 07/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. Joydeep Majumdar, Adv.

Ms. Pinaki Addy, Adv.

Mr. Chiraranjan Addey, Adv.

For Respondent(s)

Mr. Ranjan Mukherjee, Adv.

Mr. S.C.Ghosh, Adv.

Mr. G.S. Chatterjee, Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1192 OF 2007  
(Arising out of SLP(C)No.4941 of 2006)

Subrata Kumar Roy

...Appellant(s)

Versus

Outram Club & Ors.

...Respondent(s)

O R D E R

We have heard counsel for the parties.

Special Leave granted.

By the impugned order the High Court has held that the summary

procedure under Chapter 13A of the Original Side Rules of the Calcutta High

Court does not apply to the case of a licensee and would apply only to case

where the relationship is that of landlord and tenant.

Counsel for the Respondent Nos. 1 to 12 states before us that the

Respondent Club is the tenant of the appellant and is not a licensee.  
He

relies upon an agreement entered into between the appellant and the

respondent Club. Since the Respondent Club admits that it is a tenant  
of

Subrata Kumar Roy, the landlord, the orders of the High Court cannot be

sustained. As we have observed earlier, the High Court itself has found that

the

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summary procedure under Chapter 13A of the Original Side Rules will apply

in an action for recovery of immovable property by a landlord against  
a

tenant whose term has expired or duly determined by notice to quit.

Accordingly, this appeal is allowed. The judgment and order  
of

the High Court is set aside. The High Court shall now proceed to decide the application filed under Chapter 13A of the Original Side Rules of the Calcutta High Court in accordance with law. It will be open to the appellant and the proforma respondents, who also claim to be landlords, to seek appropriate interim relief against the illegal constructions alleged to have been raised, or being raised, by the respondent.

.....J.

( B.P.SINGH)

.....J.

( H.S.BEDI)

New Delhi,

March 7, 2007.