

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8244 OF 2015

(Arising out of S.L.P. (C) No. 14456 of 2014)

SARVESH KUMAR GUPTA ... APPELLANT(S)

VERSUS

M/S.KAPOOR STUDIO ...RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties and find that the High Court was in error in remanding the case back to the trial court to enable the respondent to lead evidence.

All that the appellant sought to bring on record by way of amendment is that one of his sons had become major and that the other son is due to attain majority in a short while. There is nothing to suggest that the appellant give up his case of bona fide requirement of the premises in question.

We are of the opinion that there was no occasion for the High Court to remand the matter to the trial court, more particularly, since the application for release was filed by the appellant some time in 1994.

Consequently, the appeal is allowed, the order of the High Court is set aside. The matter is remanded back to the High Court for deciding the same on its merits and on the material available on record.

Learned counsel for both the parties are at liberty to raise all their contentions before the High Court. We request the High Court to expedite the hearing of the matter, particularly since, as mentioned above, the release application was filed way back in 1994.

.....J.
(MADAN B. LOKUR)

.....J.
(S. A. BOBDE)

NEW DELHI,
OCTOBER 5, 2015

ITEM NO.54

COURT NO.9

SECTION XI

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). 14456/2014

(Arising out of impugned final judgment and order dated 22/01/2014 in CMWP No. 21845/2001 passed by the High Court of Judicature at Allahabad)

SARVESH KUMAR GUPTA

Petitioner(s)

VERSUS

M/S.KAPOOR STUDIO

Respondent(s)

(With appln. (s) for exemption from filing O.T. and permission to submit additional document(s) and urging addl. grounds and interim relief and office report)

Date : 05/10/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Manoj Swarup, Adv.
Ms. Lalita Kohli, Adv.
Mr. Abhishek Swarup, Adv.
for M/s Manoj Swarup & Co., Adv.For Respondent(s) Mr. A.V. Savant, Sr. Adv.
Mr. Shrish Kumar Misra, Adv.
Mr. Piyush Dwivedi, 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.

As a sequel to the above, pending interlocutory applications stand disposed of.

(S. K. RAKHEJA)
COURT MASTER(JASWINDER KAUR)
COURT MASTER

(Signed order is placed on the file)