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SLP(C)No. 17598 OF 2000  
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2001@@  
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(Arising out of SLP(C) No. 17598 of 2000)

Shr. Mukesh Luthra .. Appellant

Vs.

Dr. Satish Chander Sharma .. Respondent

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Leave granted.

The dispute in this case is one between landlord and the tenant. A suit was filed by the landlord in the High Court on its original side seeking for possession of the suit premises on the ground that the tenancy has been terminated and, therefore, the lease has come to an end.

The case put forth on behalf of the tenant is that even before the issue of the notice for termination, a sum of Rs. two lakhs had been advanced by way of rent upto June, 1997. However, this fact was denied by the landlord. Though the High Court says that there is serious dispute between the parties on the alleged payment of Rs. two lakhs, still the High Court proceeded to dispose of the matter in a summary way without framing appropriate issues nor allowing the parties to tender evidence. Neither the learned Single Judge before whom

the matter came up nor the Division Bench have examined the various aspects arising in this case.

Learned counsel for the landlord submits that the lease period has come to an end in 1997 even if we construe that lease was extended as a sum of Rs. two lakhs had been paid by way of advance rent upto June, 1997. It is open to the landlord to urge this contention before the High Court.

Until disposal of the appeal before the High Court, the interim order granted by this Court shall enure to the benefit of the parties.

In the result, we set aside the order made by the Appellate Court affirming the decree made by the learned Single Judge and remit the matter to the High Court for fresh disposal in accordance with law. The appeal is allowed accordingly.

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Signed order is placed on the file