

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).22344/2011

(From the judgement and order dated 13/07/2011 in SBCWP No.4329/2011 of the HIGH COURT OF RAJASTHAN AT JAIPUR)

GOVINDNARAYAN RAJORIA Petitioner(s)

VERSUS

SURESH CHAND LAKHERA & ANR. Respondent(s)

(With prayer for interim relief and office report)

Date: 26/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Ms. Shobha,Adv.

For Respondent(s) Mr. S.K. Keshote,Sr.Adv.
Mr. Rishi Matoliya,Adv.
Mr. Shashank Pareek,Adv.
Ms. Charu Mathur,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Heard the learned counsel for the parties. The impugned order passed by the High Court is set aside and the appeal is allowed in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7114 OF 2012
(Arising out of SLP(C) No.22344/2011)

GOVINDNARAYAN RAJORIA Appellant(s)
:VERSUS:
SURESH CHAND LAKHERA & ANR. Respondent(s)

O R D E R

1. Leave granted.
2. We have heard the learned counsel for the parties.

3. It is stated by the learned counsel for the appellant that the appellant-landlord is only to execute the decree against the original tenant i.e. Defendant No.1. In that view of the matter, we are of the considered opinion that this appeal deserves to be allowed. Accordingly, the impugned order passed by the High Court is hereby set aside and the appeal is allowed.

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4. We, however, make it clear that the order passed in this appeal shall be without prejudice to all the rights and contentions that may be available to the second Defendant.

.....J
(SURINDER SINGH NIJJAR)

.....J
(H.L. GOKHALE)

New Delhi;
September 26, 2012.