

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).27466/2009

(From the judgement and order dated 16/02/2009 in SA No. 205/1990 of
The HIGH COURT OF CHATTISGARH AT BILASPUR)

SAPAN KUMAR DAS

Petitioner(s)

VERSUS

CHINTAMANI

Respondent(s)

(With office report)

Date: 14/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Dr. Rajesh Pandey, Adv.
 Mr. Mahesh Pandey, Adv.
 Mr. B.K. Shukla, Adv.
 Mr.Praveen Chaturvedi,Adv.

For Respondent(s) Mr. Neeraj Shekhar,Adv.
 Mr. Harsh Pathak, Adv.
 Mr. Ashutosh Thakur, Adv.
 Mr. Priyaranjan Roi, Adv.

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

Leave granted.

The Appeal is allowed.

However, the respondent-tenant is granted six months' time from today to vacate the premises in question subject to filing usual undertaking before this Court within six weeks from today.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2471 OF 2011
(arising out of S.L.P. (Civil) No(s).27466/2009)

SAPAN KUMAR DAS

Appellant (s)

VERSUS

CHINTAMANI

Respondent(s)

Heard learned counsel for the parties.

Leave granted.

This Appeal has been filed against the impugned judgment of the High Court of Chhattisgarh dated 16.02.2009 passed in Second Appeal No. 205 of 1990.

The facts have been given in the impugned judgment and hence we are not repeating the same here.

The High Court in second appeal has reversed the concurrent finding of fact recorded by the trial court as well as by the first appellate court which, in our opinion, the High Court was not entitled to do. Hence, the impugned judgment of the High Court is set aside and the judgment of the trial court as well as the judgment of the first appellate court are restored. The Appeal is allowed accordingly. No costs.

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CIVIL APPEAL @ S.L.P. (Civil) No(s).27466/2009

However, the respondent-tenant is granted six months' time from today to vacate the premises in question subject to filing usual undertaking before this Court within six weeks from today.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI;
MARCH 14, 2011.

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