

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(@ SLP(C) No.17644/2026)

M/S XCLUSIVE INN PRIVATE LIMITED & ANR.

APPELLANT(S)

VERSUS

ANJANA GUHA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal arises from the judgment dated 09.04.2026 passed by the High Court of Calcutta ('the High Court') whereby the first appeal preferred by the appellants was dismissed and the judgment and decree dated 10.07.2023 passed by the Trial Court was affirmed.
3. The facts giving rise to the present appeal, briefly stated, are that the appellants were inducted into possession of the premises to run a hotel and restaurant business on a monthly rent of Rs.28,000/- for a period of ten years ending on 16.03.2018. Thereafter, the agreement was renewed.
4. In March 2021, the respondents instituted a suit seeking recovery of possession, arrears of rent/licence fee, and mesne profits. The appellants contested the suit, *inter alia*, contending that they had not been inducted as licensees but as tenants, whose tenancy rights had not been validly determined by issuance of a notice under

Section 106 of the Transfer of Property Act, 1882.

5. The Trial Court, by judgment and decree dated 10.07.2023, *inter alia*, held that in the written statement, the appellants had admitted the licence fee as well as the fact that period of licence has expired. Relying upon the pleadings in the plaint and invoking the provisions of Order XII Rule 6 of the Code of Civil Procedure, 1908, the Trial Court decreed the suit.
6. Aggrieved thereby, the appellants preferred a first appeal before the High Court. The High Court, by the impugned judgment, dismissed the appeal.
7. Learned senior counsel appearing for the appellants has raised a singular contention, namely, that the High Court, while deciding the first appeal in a summary manner, failed to consider or deal with the submissions advanced on behalf of the appellants. *Per contra*, learned counsel for the respondents has supported the judgment passed by the High Court.
8. It is trite law that the right to prefer a first appeal against a decree is a valuable legal right vested in a litigant. The jurisdiction of the first appellate court is extensive and coextensive with that of the Trial Court. It is open to the appellants to assail findings of fact as well as law in such an appeal. It is, therefore, incumbent upon the first appellate court to independently appreciate the material available on record and arrive at

its own conclusions supported by cogent reasons.

9. Upon perusal of the memorandum of appeal preferred by the appellants and the impugned judgment passed by the High Court, we find that neither the submissions advanced on behalf of the appellants nor the grounds urged in the memorandum of appeal have been adverted to by the High Court. The High Court has dismissed the first appeal in a cursory manner without considering the submissions and grounds raised by the appellants and without recording any independent findings or conclusions. The High Court has merely concurred with the findings recorded by the Trial Court and affirmed its judgment and decree.
10. For the aforementioned reasons, the judgment and decree passed by the High Court is set aside and the appeal is remitted for consideration afresh. Pending disposal of the appeal, interim order passed on 17.08.2023 by the High Court shall continue. We request the High Court to decide the appeal within a period of three months.
11. Accordingly, the appeal is disposed of.
12. Pending application (s), if any, shall stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

ITEM NO.32

COURT NO.6

SECTION XVI

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). 17644/2026

[Arising out of impugned final judgment and order dated 09-04-2026 in FAT No. 270/2023 passed by the High Court at Calcutta]

M/S XCLUSIVE INN PRIVATE LIMITED & ANR.

Petitioner(s)

VERSUS

ANJANA GUHA & ORS.

Respondent(s)

IA No. 152638/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 21-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. Paramjit Singh Patwalia, Sr. Adv.
Mr. Amarjit Singh Bedi, AOR
Mr. Varun Chandiok, Adv.
Mr. Gaganpreet Sandhu, Adv.
Ms. Riya Seth, Adv.
Mr. Armaan Sharma, Adv.
Mr. Gopal Chandra Das, Adv.

For Respondent(s) Mr. Aditya Singh-1, AOR
Mr. Anirban Roy, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(NIDHI WASON)

ASSISTANT REGISTRAR

(Signed order is placed on the file)