

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1994 OF 2010
(Arising out of SLP(Civil) No.26005/2008)

RAJENDRA KUMAR

Appellant

VERSUS

RAJASTHAN STATE ROAD TRANSPORT CORP.LTD.&ORS

Respondents

O R D E R

Leave granted.

2. The appellant is a licensee of shop under the Rajasthan State Road Transport Corporation-first respondent herein, at the Alwar Bus Stand. The first respondent terminated the licence and took back possession of the shop alleging breach by the appellant. The appellant filed a suit for re-delivery of the shop and for an injunction that the shop should not be allotted to anyone else. The suit was decreed by the trial court on 6.7.2006 with a direction to the Corporation to allot the shop to the appellant on fresh terms. The First Appellate Court allowed the first respondent's appeal in part by its order dated 7.2.2007. It set aside the trial court judgment and directed that if the appellant deposited

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entire arrears of licence fee, he should be given back the shop by renewing his licence for a period of one month and thereafter the Corporation will be free to renew the lease on its own terms.

3. The appellant challenged the order of the First Appellate Court by filing a second appeal. The High court by its order dated 16.9.2008 admitted the

second appeal but refused interim order and observed that the first respondent Corporation was free to allot the shop in accordance with law. The said order is challenged by the appellant in this appeal by special leave. The appellant submitted that when the second appeal filed by him was admitted and pending hearing, if the shop is allotted to someone else it would make his second appeal infructuous. He also submitted that he had indicated his willingness on 10.11.2008 to pay the current licence fee of Rs.6000/- which was being demanded by the first respondent Corporation. We are informed that during the pendency of the special leave petition, the appellant has been making some payments at the rate of Rs.6000/- per month. Learned counsel for the Corporation stated that the appellant is very irregular in payment and that there was huge arrears.

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4. The appellant is now in occupation of the shop and running his business. In the facts and circumstances we are of the view that interest of justice will be served if the appellant is permitted to continue in occupation of the shop as a licensee pending disposal of the second appeal subject to his paying current licence fee at the rate of Rs.6000/- per month and also pays the entire arrears with interest within a period of four months from today (as directed by the Executing Court in the pending execution proceedings). The High Court may endeavour to dispose of the second appeal expeditiously. The appeal is disposed of by making an order accordingly.

.....J.
[R.V.RAVEENDRAN]

NEW DELHI
FEBRUARY 22, 2010

.....J.
[K.S.RADHAKRISHNAN]

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ITEM NO.209

COURT NO.4

SECTION XV

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).26005/2008

(From the judgement and order dated 16/09/2008 in
352/2007 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

SBCSA No.

RAJNDRA KUMAR

Petitioner(s)

VERSUS

RAJASTHAN STATE ROAD TRANSP.T.VORP.LD.&OR

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim
relief and office report)
(FOR FINAL DISPOSAL)

Date: 22/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. Baldev Atreya,Adv.
Mr. Lokesh Kumar,Adv.
Mr. Atishi Dipankar,Adv.

For Respondent(s)

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

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Leave granted.

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

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file)