

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6 OF 2011

(Arising out of Special Leave Petition (C)No.17395/2010)

ABDUL MAJID MIR

... APPELLANT(S)

VERSUS

KAPIL DEV GHAI & ORS.

... RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

2. In this case, the possession of the premises has already been handed over by the tenant to the landlord. The short question which arises now is regarding the arrears of rent.

3. Mr.K.V.Viswanathan, learned senior counsel appearing for the appellant has drawn our attention to the finding of the Trial Court in which it is clearly mentioned that the entire amount of rent has been paid to V.K.Ghai, co-owner of the property and brother of the respondent no.1 herein. This fact is not controverted by the counsel for the respondent.

4. In the Revision Petition filed by the respondent, the High Court, without any discussion, set aside the order of the Trial Court and the Revision Petition filed by the appellant was dismissed. In our considered view, the impugned judgment cannot be sustained. Consequently, the impugned judgment is set aside. The appellant-tenant has already paid the entire outstanding amount, therefore, the appellant cannot be compelled to pay the rent amount twice over, so the appellant will have no liability to pay any rent.

5. Since the possession has already been delivered, no further directions are necessary.

6. The Civil Appeal is, accordingly allowed and disposed of, leaving the parties to bear their own costs.

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
3RD JANUARY, 2011

