

SUPREME COURT OF INDIA

Dev Pal Kashyap

Vs.

Ranjit Singh

C.A.No.5152 of 1998

(V. N. Khare and S. N. Phukan, JJ.)

27.04.2000

ORDER

1. Appellant herein is the landlord. He filed a petition for eviction of the respondent-tenant on the ground of sub-letting, default in payment of arrears of rent and wrong user of the premises before the Rent Controller. The Rent Controller found that respondent No. 1 has sub-let the premises to respondent No. 2 and, therefore, exposed himself for eviction. Consequently, the petition was allowed. Aggrieved, the respondents went up in appeal. The appellate Court found that since the appellant has not sought eviction of the tenant from Chaubara, therefore, partial ejection is not permissible under the Act. The appellate Court also found that respondent No. 2 is the direct tenant of the landlord and, therefore, there was no sub-letting. It is on these grounds the appellate Court allowed the appeal and set aside the order of the Rent Controller. Aggrieved, the landlord filed a revision petition under section 115 of the Code of Civil Procedure before the High Court. The High Court without giving any reason dismissed the revision petition of the landlord. It is against the said order the landlord has come up in appeal.

2. Learned counsel, appearing for the appellant, urged that there was a jurisdictional error involved within the ambit of Section 115 of the Code of Civil Procedure and the High Court committed serious mistake in dismissing the revision petition in limine without giving any reasons. This Court

on more than one occasion has held that the High Courts are required to give reasons while dismissing the petition summarily. In this case, we find that no reason has been recorded by the High Court while dismissing the revision petition and this in itself is sufficient ground to set aside the judgment under appeal. We accordingly, set aside the judgment under appeal and send the case back to the High Court for deciding the revision in accordance with law.

3. The appeal is allowed. There shall be no order as to costs.

Appeal allowed.