

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026

(Arising out of SLP (C) No. 27136 of 2023)

HANSA JAIN

... APPELLANT

VERSUS

VINOD KUMAR SANGHAI (DECEASED) THR.
LEGAL REPRESENTAIVES & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.

2. Being aggrieved by an *ex parte* granted on 12.10.2018, the appellant had preferred an application under Order IX Rule 13 which was rejected *vide* order dated 06.01.2020. On filing a civil revision, it was also dismissed *vide* order impugned on 06.10.2023. Being dissatisfied by both these orders, the present appeal has been filed.

3. On issuing notice, the landlord tendered appearance and filed counter affidavit. On 28.11.2025, direction was issued to file the details of the arrears and rent till date. Thereafter on 05.12.2025, this Court passed an order in the proceedings which is as under :

"1) Apropos previous order, the statement of dues of rent has been filed by the petitioner as well as the respondents.

2) Learned counsel for the petitioner contends that the rent is due from November, 2021, and prior to the said period, rent has already been paid in the account of Mr.Vinod Kumar Sanghai (since deceased) (husband of the landlady). Learned counsel appearing on behalf of the respondents wishes to verify the said fact. The bank account details produced along with the special leave petition be verified by the respondent who shall revert on the same by filing an affidavit within four weeks.

3) In the meantime, as per the calculation placed before us by the respondent, a sum of Rs.15,44,762/-is due up to December, 2025, adding escalated rent in terms of the agreement. The petitioner is ready to deposit the said amount within the time as directed by this Court.

4) In view of the above, we postpone the hearing of this case till 23.01.2026. The petitioner shall deposit a sum of Rs.15,44,762/- with the Registry of this Court which shall be kept in interest bearing short term fixed deposit of a nationalised Bank on auto renewal basis.

5) The respondent shall verify the bank account statement and file an affidavit ascertaining about the deposit and informing if the deposit is not made by the petitioner.

6) List on 23.01.2026.

7) Interim order to continue till then."

4. Learned counsel for the appellant submits that they have deposited the rent as directed till the end of May, 2026 which is disclosed in the affidavit calculating Rs.16,000/- per month adding 5% escalated rent every year. The amount of Rs. 15,44,762 has been deposited on 22.01.2025 which is lying in an interest bearing fixed deposit and the remaining rent from January to May, 2026 of Rs.4,01,445/- has been deposited by the appellant on 18.05.2026 and it is kept in a non-interest bearing account. As such the amount of the arrears of rent till May, 2026 has been deposited subject to verification by the landlord.

5. After hearing learned counsel for the parties at length and considering the facts, wherein the *ex parte* was proceeded within 33 days from the date of service and the judgment has been pronounced immediately and within 32 days, as urged even without lapse of the statutory period for filing the counter affidavit granting decree of eviction, in our view, a reasonable opportunity of hearing ought to be given to the appellant to put his defence. Therefore, we set aside the *ex parte* decree and allow the application under Order IX, Rule 13 of Civil Procedure Code, 1908.

6. In consequence, the suit be restored to its file in its

original number. The appellant undertakes to file Written Statement on or before July 16, 2026 and on the said date both parties shall appear before the trial court. Thereafter the suit be decided as expeditiously as possible not later than one year.

7. The amount of rent deposited by the appellant shall be transmitted in the account of Respondent No.2 on supply of the details of the bank account along with the interest accrued thereon.

8. With the above directions, the appeal stands allowed and disposed of. Pending applications, if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
May 20, 2026.

ITEM NO.23

COURT NO.3

SECTION XII-A

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). 27136/2023
[Arising out of impugned final judgment and order dated 06-10-2023
in CRP No. 272/2020 passed by the High Court for The State of
Telangana at Hyderabad]

HANSA JAIN

Petitioner(s)

VERSUS

VINOD KUMAR SANGHAI (DECEASED) THR.
LEGAL REPRESENTATIVES & ANR.

Respondent(s)

FOR ADMISSION and I.R. and IA No.255551/2023-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Date : 20-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. M Dutta, Sr. Adv.
Mr. Vijay Sharma, Adv.
Mr. Nitish Kumar Singh, Adv.
Mr. Amit Kumar Thakur, Adv.
Mr. Ram Avtar Sharma, Adv.
Mr. Maneesh Saxena, Adv.
Mr. Niteen Kumar Sinha, AOR

For Respondent(s) :Mr. Balaji Srinivasan, AOR
Ms. Kanishka Singh, Adv.

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

1. Leave granted.
2. The appeal stands allowed and disposed of in terms of the signed order. Pending applications, if any, shall stand disposed

of.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)