

(2008) 09 SC CK 0115

In the Supreme Court Of India

Case No : Civil Appeal No. 5469 of 2008 (Arising out of SLP (C) No. 7251 of 2007)

Promod Kumar and Another

APPELLANT

Vs

Ram Palat

RESPONDENT

Date of Decision : 03-09-2008

Acts Referred:

Citation : (2008) 4 AWC 3622 Supp : (2008) 12 SCC 571

Hon'ble Judges : Tarun Chatterjee, J;Aftab Alam, J

Bench : Division Bench

Advocate : Rakesh Uttamchandra Upadhyay, for the Appellant; Mona Rajvanshi and Anurag Kashyap, for the Respondent

Final Decision : Dismissed

Judgement

1. Leave granted.

2. This is an appeal arising out of interim order dated 26th October, 2006 and order dated 8th February, 2007 both passed by a learned Judge of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No. 30272 of 1998 and Modification Application No. 260414 of 2006 respectively.

3. We have heard learned Counsel for the parties and examined impugned orders as well as other materials on record. From the impugned orders, we find that the rate of rent payable by the tenants was Rs. 25/- per month, which has been increased by the High Court to Rs. 1500/- per month from October, 2006. Admittedly, the landlord (respondent herein) was the writ petitioner before the High Court, in which he has challenged the order of the Appellate Authority, by which the Appellate Authority had set aside the order of eviction passed by the prescribed Authority.

4. In view of the above, we are of the view that the High Court was not justified in increasing the rate of rent from Rs. 25/- to Rs. 1500/- in a petition filed by the landlord challenging the order of the Appellate Authority setting aside the

eviction order passed by the prescribed Authority. Impugned orders of the High Court are accordingly set aside and the Civil Appeal is disposed of with no order as to costs. The High Court is requested to dispose of the pending writ petition filed by the landlord within a period of three months from the date of supply of a copy of this order to the High Court, without granting any unnecessary adjournment to either of the parties.