

(2002) 05 SC CK 0019

In the Supreme Court Of India

Case No : C.A. No.-003325-003325 / 2002

Sultaan Mohiyuddin and Others

APPELLANT

Vs

Basheer Ahmed Shariff and Others

RESPONDENT

Date of Decision : 03-05-2002

Acts Referred:

Constitution of India, 1950 — Article 136
Karnataka Rent Control Act, 1961 — Section 2(3), 21(1)
Karnataka Rent Control Act, 1999 — Section 70(2)

Citation : AIR 2002 SC 2441 : (2002) AIRSCW 2682 : (2002) 1 JT 58 Supp : (2002) 4 SCALE 422 : (2002) 5 SCC 19 : (2002) 3 SCR 795 : (2002) 4 Supreme 87

Hon'ble Judges : R. C. Lahoti, J;B. P. Singh, J

Bench : Division Bench

Advocate : Naresh Kaushik, N.K. Roy, Shilpa Chohan, Rajesh Singh and Lalita Kaushik, for the Appellant; Kh. Nobin Singh, S. K. Kulkarni, M. Gireesh Kumar and Ankur S. Kulkarni, for the Respondent

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. The proceedings for eviction were initiated u/s 21(1)(h) and (p) of the Karnataka Rent Control Act, 1961. The landlord, having lost from the High Court, has filed this appeal by special leave under Article 136 of the Constitution.

3. During the pendency of these proceedings, Karnataka Rent Act, 1999 has come into force with effect from 31.12.2001. According to the counter filed in this Court by the tenant-respondent, the area of the suit premises let out for non-residential purpose exceeds 14 square metres and, therefore, the premises are exempt from the provisions of the 1999 Act. It is the plea of the tenant-respondent that Karnataka Rent Act, 1999 being not applicable to the suit premises by virtue of the provisions contained in Section 2(3)(g), the proceedings shall stand abated u/s 70(2)(c) of the 1999 Act. The dimension of

the premises, its being non-residential and the applicability of the relevant provisions of the 1999 Act referred to hereinabove is not disputed by the learned counsel for the landlord-appellant. The proceedings, therefore, stand abated. Nothing survives for adjudication on merits. The appeal be treated as disposed of.