

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 (Civil) No.1023/2002

(From the judgement and order dated 09/11/2001 in CRP 2679/96  
of The HIGH COURT OF KERALA AT ERNAKULAM)

SUBAIDA & ORS.

Petitioner (s)

VERSUS

V.K. AZAD

Respondent (s)

( With Appln(s). for permission to place addl. documents on record  
and with prayer for interim relief)

Date : 28/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr.F.S. Nariman, Sr. Adv.,  
Mr.E.M.S. Anam, Adv.,  
Mr.Fazlin Anam, Adv.

For Respondent (s)

Mr.Romy Chacko, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Heard the learned counsel for the parties. In the petition filed before the Rent Control Authority by the respondent herein the claim of the respondent was only to have Schedule 'B' property and there was alternative prayer for having possession of Schedule 'A' property. The learned counsel for the petitioners submitted that despite there being no prayer the High Court materially erred in granting possession of the entire premises and at present he is prepared to hand over possession of Schedule 'B' property.

..2

:-2:-

Considering the facts and the prayer clause, in our view, the said submission appears to be just and reasonable. Therefore, to seek instructions on this aspect the learned counsel for the respondent seeks four weeks time.

Stand over for four weeks.

Meantime, operation of the impugned judgment and decree passed by the High Court is stayed.

.SP1

(Vijay Kumar Sharma)  
Court Master

(K.K. Chadha)  
Court Master