

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5212 OF 2006

MUHAMED BASHEER

... APPELLANT(S)

VERSUS

MANIKKAM & ORS.

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

The divergent findings of the revisional court in the impugned order in exercise of its revisional jurisdiction is under challenge by the appellant-landlord in respect of the premises in question, urging various legal contentions.

Mr. P. Sureshan, learned counsel appearing on behalf of the appellant contended that in view of the Constitution Bench judgment in Hindustan Petroleum Corporation Ltd. vs. Dilbahar Singh, 2014 (9) SCALE 657, in exercise of revisional jurisdiction, the High Court has no power to reappraise the evidence on record to annul a finding of fact recorded by the appellate authority.

We have examined this question in the light of the law laid down by this Court in Hindustan Petroleum Corporation Ltd. (supra). The revisional court, after considering the rival legal contentions and undisputed facts, particularly the material documents placed on record has set aside the finding of fact recorded by the appellate authority. We do not find any error that

setting aside of a finding of fact in exercise of its revisional jurisdiction suffers from any legal infirmity. Therefore, we do not feel that this matter requires interference by this Court.

Regard being had to the fact that the tenancy is of the year 1969 when the rent was Rs. 160/- p.m.; that it is a commercial premises and this Court while admitting the appeal directed the respondents-tenants to pay rent @ Rs. 1,500/- p.m. to the appellant-landlord. Rent of a commercial property has gone up in the place where the premises situated and the business is being carried on by the respondents. Therefore, taking overall aspects into consideration it would be just and proper for this Court to fix the rent to Rs. 7,500/- p.m. The same shall be paid w.e.f. 1.10.2014.

We order accordingly.

In the result, the appeal is disposed of with the abovesaid modification to the impugned order and direction to the respondents.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
SEPTEMBER 17, 2014

ITEM NO.101

COURT NO.14

SECTION XIA

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

Civil Appeal No(s). 5212/2006

MUHAMED BASHEER

Appellant(s)

VERSUS

MANIKKAM & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and office report)

Date : 17/09/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)

Mr. P. Sureshan, Adv.
Mr. Shakil Ahmed Syed, Adv.

For Respondent(s)

Mr. Romy Chacko, Adv.

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

The appeal is disposed of in terms of the signed order.

(S.K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)