

t is, almost after 10 years. There is no evidence on record to show that any rent was collected from the respondents during the long period of 10 years. The Financial Commissioner, by a detailed order, having regard to the terms of agreement and other circumstances, recorded a finding that the respondents were in possession of the lands in question on the basis of the agreement of sale and the appellants failed to establish that the respondents continued to be tenants and were not in

..4/-

.4.

possession of the lands in furtherance to the agreement of sale. The Financial Commissioner held that the appellants failed to establish that there existed a relationship of landlord and tenant between the parties. In that view, the revision petition was allowed and the application filed by the appellants seeking eviction of the respondents was dismissed. The High Court, as is evident from the impugned order, has concurred with the finding of fact so recorded by the Financial Commissioner. Whether the possession of respondents was that of the tenants or on the relevant date, their possession was on the basis of the agreement of sale, is a finding of fact based on the evidence and attending circumstances. Having regard to the facts and circumstances of the case, when a finding of fact is recorded by the Financial Commissioner on the relevant consideration based on evidence, the High Court was right in not interfering with the said findings of fact in exercise of writ jurisdiction.

This being the position, we are of the view, that these are not fit cases to exercise our jurisdiction under Article 136 of the Constitution of India. Thus, finding no merit, these appeals are dismissed.

No costs.

..5/-

.5.

However, this order does not prejudice or preclude the appellants from seeking appropriate remedy available in law for recovery of possession and for other reliefs, as the case may be.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,
October 13, 2004.

ITEM NO.103

COURT NO.6

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 6158-6159 OF 1999

SADHU RAM & ORS.

Appellant (s)

VERSUS

FINANCIAL COMMISSIONER, HARYANA & ORS.
(With office report)

Respondent(s)

Date: 13/10/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. Mahabir Singh, Adv.
Mr. Rakesh Dahiya, Adv.
Ms. Madhusmita Bora, Adv.
Mr. M.L. Khattar, Adv.

For Respondent(s) Mr. K.G. Bhagat, Adv.
Nos. 3, 5 & 6 Mr. Vineet Bhagat, Adv.
Ms. Sangeeta Gaur, Adv.
for Mr. Debasis Misra, Adv.

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

Mr. Mahabir Singh, learned counsel for the appellants started his arguments at 12.05 p.m. and concluded at 12.45 p.m. Then, Mr. K.G. Bhagat, learned counsel for the respondents made his submissions for 5 minutes.

The appeals are dismissed with no costs in terms of the signed order.

Sarita
Court Master

(Vijay Dhawan)

(Signed order is placed on the file)