øITEM NO.202 COURT NO.8 SECTION XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1270/2007

(From the judgement and order dated 01/12/2006 in CMWP No. 4165/1995 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KANHAIYA LAL Petitioner(s)

VERSUS

RAM BILAS PANSARI Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report) (FOR FINAL DISPOSAL)

Date: 18/08/2008 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. Jitendra Mohan Sharma, Adv.

For Respondent(s) Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.
Mr. Ashwin V. Kotmath, Adv.
Ms. Pratibha Jain, Adv.

UPON hearing counsel the Court made the following
ORDER

In this case, the order of the appellate authority under the Rent Control Act directing vacation of the rear room as well as the first floor portion (affirmed by the High Court) is under challenge. The petitioner tenant submits that the eviction petition did not relate to the said portions bearing No.90 & 91 but to another portion bearing No.91/1. According to the respondent landlord, the petitioner (tenant) had encroached upon areas adjoining the leased portion as also the upper floor. It is also stated

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that in regard to the encroached (non-leased) portion, a suit has been filed by the landlord and that has been decreed by the first appellate court and is now pending in second appeal before the High Court.

To avoid conflicting decisions, we request the Allahabad High Court to dispose of the said Second Appeal No.30 of 1995 expeditiously preferably within four months.

List this matter for final disposal after six months.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master