

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4817 OF 1999

M. RAMAKRISHNAN

Appellant (s)

VERSUS

HINDUSTAN PETROLEUM CORPN.LTD., T.N.

Respondent(s)

(With office report)

Date: 05/05/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant(s)

Ms. Manika Pandey, Adv.for

Mr. K.K. Mani,Adv.

For Respondent(s)

Miss Arti Singh, Adv.

For Mr. Sanjay Kapur,Adv.

UPON hearing counsel the Court made the following

J U D G M E N T

The appeal is dismissed in terms of the signed judgment.

NON-REPORTABLE.

(Sheetal Dhingra)

(Vijay Dhawa

n)

Court Master

Court Master

[Signed judgment is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.4817 OF 1999

M. RAMAKRISHNAN
..Appellant(s)

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HINDUSTAN PETROLEUM CORPN.LTD.,
..Respondent(s)

T.N.

J U D G M E N T

B.P. SINGH, J.

Heard counsel for the parties.

This appeal is against an interim order of the High Court whereby in

a pending Second Appeal the High Court directed the respondent to deposit the rent at the rate of Rs.1250/- per month from 1.5.1993 and at the rate of Rs.2000/- per month with effect from January 1, 1999 till the disposal of the Second Appeal.

The grievance of the appellant is that the land which was leased out in the year 1973 for a period of 20 years for setting up a Petrol Station is being utilised by the respondent for parking of vehicles which gives to the respondent an earning of Rs.1000/- per day. Therefore, the appellant prayed before the High Court that during the pendency of the appeal respondent should be directed to deposit by way of rent a sum of Rs.10,000/- per month. The prayer, as noticed above, was only partly allowed with the direction to deposit rent at the enhanced rates noted above.

This being an interim order, we do not wish to interfere in exercise of our discretion under Article 136 of the Constitution of India. We, therefore, dismiss the appeal. However, the dismissal of this appeal will not prevent the appellant from making an appropriate prayer before the High Court to fix a higher rent at the time of the final disposal of the Second Appeal.

We should not be understood to have expressed any opinion on the merit of the claim of the appellant, and it will be open to the High Court to pass an appropriate order in accordance with law.

No costs.

.....J

(B.P. SINGH)

.....J.

(ARUN KUMAR)

New Delhi

May 05, 2005.