

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7899-7900 OF 2001

N.M. VAIDYA(DEAD) BY LRS. & ORS.

Appellant (s)

VERSUS

DATTATRAY SHANKER TAWARE & ANR.

Respondent(s)

(With office report)

Date: 18/02/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s) Mr. Atul Sharma, Adv.for

Mrs.Rekha Palli,Adv.

Mr. Rameshwar Prasad Goyal ,Adv

For Respondent(s) Mr. Sushil Karanjkar, Adv.for

Mr. Gopal Balwant Sathe,Adv.

UPON hearing counsel the Court made the following
ORDER

The Appeals are allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master(Indu Satija)
Court Master[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7899-7900 OF 2001

N.M.Vaidya (Dead) by Lrs. & Others

..Appellants

versus

Dattatray Shanker Taware & Another

..Respondents

ORDER

Heard Shri Atul Sharma, learned counsel for the appellants
and Shri Sushil Karanjkar, learned counsel for the respondent.Appellants are the legal heirs of the original landlord who is
dead. Respondents are the tenants.

This appeal has been filed against the impugned judgment of the High Court of Judicature at Bombay dated 18th September, 1999 passed in Writ Petition No.2638 of 1990 and also the order dated 16.12.2000 passed in Review Application No.5301/2000.

An eviction suit was filed against the respondents who were tenants alleging non-payment of rent and arrears of rent. The appellants claimed that the rent was Rs.60/- per month whereas the tenants claimed that it was Rs.15/- per month. A finding of fact was recorded by the trial Court as

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well as the first appellate court that the rent was Rs.60/- per month.

We fail to see how the High Court in writ jurisdiction could have interfered with the aforesaid finding of fact of the trial Court as well as the first appellate court.

It is well settled that the High Court in writ jurisdiction can only interfere when there is an error of law and cannot interfere with the findings of fact recorded by the courts below.

In the circumstances, we allow these appeals, set aside the impugned orders of the High Court and restore that of the trial Court and first appellate Court. No order as to costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
FEBRUARY 18, 2009.

.....J.
[B.SUDERSHAN REDDY]