

ITEM NO.112 COURT NO.8 SECTION XIIA

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). 6574 OF 2004

SOGHRA BEGUM @ AHMEDI BEGUM Appellant (s)

VERSUS

SYED MAHMOOD ALI @ PASHU MIAN (D) BY LRS Respondent(s)

(With office report)

Date: 10/09/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. R. Sounderavardan, Sr. adv.
Mrs.D. Bharathi Reddy,Adv.

For Respondent(s) Mr. Arvind Verma, Sr. adv.
Mr. Rahul Pratap, Adv.
Mr. Ankur Chawla, Adv.
for M/S. "Coac",Adv.

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

Heard learned counsel for the parties.

In this case one of the questions involved is as to what is as to what is the scope of revision under Section 22(1) of The Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (hereinafter for short 'the Act'). The said Section 22(1) of the Act which gives revisional power to the High Court reads as under :-

"22. Revision :-

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(1)The High Court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by the Controller in execution under Section 15 or by the appellate authority on appeal under Section 20, for the purpose of satisfying itself as to the illegality, regularity or of propriety of such order or proceeding, and may pass such order in reference thereto as it thinks fit."

The word 'revision' has different meanings in

different Acts. For instance under Section 115 of the Code of Civil Procedure, 1908 in exercise of the revisional power the High Court is entitled to interfere only when there is error of jurisdiction. On the other hand under Section 25 of the Provincial Small Causes Court Act, the revisional jurisdiction is exercised only when there is an error of law, which is analogous to the power of the High Court under Section 100 of the Code of Civil Procedure, 1908.

There are certain other statutes under which the revisional power entitles the revisional court to interfere with findings of fact which means that the revisional Court acts as a court of first appeal under Section 96 of the Code of Civil Procedure. Hence, it will depend upon a particular statute whether the revisional court can interfere with the findings of fact or not. Different statutes may have different scope of

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revisional power.

We have vide our order dated 27.08.2009 in Civil Appeal No. 6177/2004 (Hindustan Petroleum Corporation Ltd. Vs. Dilbahar Singh), wherein Section 15(6) of the Haryana (Urban Control of Rent and Eviction) Act, 1973 was involved, referred the said question to a larger bench since there were divergent views of two three Judge Bench decision of this Court.

The provisions of Section 22 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 are in pari materia with Section 15(6) of the Haryana (Urban Control of Rent and Eviction) Act, 1973.

Hence, we are of the opinion that this matter should also

be heard by a larger Bench.

Accordingly, we direct that

this matter may be tagged with Civil Appeal No. 6177/2004.

Pending hearing and disposal of this appeal by a

larger Bench, the respondent-tenants shall pay rent @
Rs.250/- per month from today. This payment shall
however without prejudice to the rights and contentions
of the parties in this appeal.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master