

C.A.No. 7172 OF 2000
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7172 OF 2000

SARDARA SINGH.....APPELLANT

VERSUS

FINANCIAL COMMISSIONER, PUNJAB & ORS.....RESPONDENTS

WITH C.A. NO.7173 OF 2000

O R D E R

Applications were filed under Section 14-A(i) of the Punjab Security of Land Tenures Act, 1953 for ejection of the appellants from the lands in question on the ground of default in payment of rent before the District Grievances Redressal Officer-cum-the Assistant Collector, 1st Grade, Ferozepur. He passed the order on 28.9.1990 allowing the applications and ordering the eviction of the appellants. The appellants filed an appeal before the Collector of Ferozepur questioning the validity and the correctness of the order made by the Assistant Collector. The Collector concurring with the findings rendered by the Assistant Collector dismissed the appeals. The appellants filed Revision Petitions before the Commissioner, Ferozepur Division who also dismissed the Revision Petitions finding no good ground to interfere with the order affirming the order passed by the Assistant Collector. The matter did not rest at that. The appellants approached the Financial Commissioner for revision. The Financial Commissioner by a considered order dismissed the revision petitions affirming the order passed

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by the Assistant Collector. Thereafter, the appellants filed writ petition before the High Court. The High Court, by the impugned orders, dismissed the same. While dismissing, the High Court observed that the Financial Commissioner had referred to the concurrent findings of the fact recorded by the Assistant Collector, Collector and Commissioner. The High Court also referred to the decision in case of Neki Vs. Satnarain 1997 (1) PLJ 102 (S.C.) relied on by the appellants and held that the said decision did not apply to the facts of these cases. In these circumstances, the appellants are before us in these appeals.

The learned Counsel for the appellants contended that the evidence placed on record on behalf of the appellants was not at all considered by the primary authority namely, the Assistant Collector. Unfortunately, up to the Financial Commissioner also the evidence has not been properly looked into. The appellants have shown sufficient cause for non payment of rent. The learned Counsel added that whenever applications were made by the landlord for recovery of rent immediately the amounts were deposited. Thus, there was sufficient cause for non-payment of rent and the orders of eviction passed against the appellants cannot be sustained. He also submitted that on an earlier occasion the non-official respondents had given up the ground as regards arrears of rent.

Per Contra, the learned Counsel for the respondents made submissions in support of the impugned orders.

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All the four authorities have recorded concurrent findings of the fact that the appellants committed default in payment of rent without sufficient cause. The Assistant Collector in his order has observed thus :-

"After hearing the arguments of both the counsel and after perusal of the whole record, I have come to the conclusion that the respondent has not intentionally paid in time the share of the produce of the crop of Rabi 1984 to the landowners/applicants without any sufficient cause, and after filing of the case of ejectment by the applicants, the amount has been deposited in Treasury by Ex. R-1. The relationship of landowner and tenant between the applicants and the respondent is established by Exs. A-1 and A-2 produced by the applicants from the Revenue records and from Exs. A-3 to A-7 it is also clear that the respondent is already in the habit of not paying the share of the landowners by himself."

This finding, based on Exhibits A-3 to A-7 that the appellants had been in the habit of not paying the crop share to the landowner within time is affirmed by the Collector, Commissioner and Financial Commissioner. Thus, this is a concurrent finding of fact. The High Court rightly did not interfere with such a concurrent finding of fact. The decision in the case of Shri Neki aforementioned, in our view, does not advance the case of the appellants. The learned Counsel for the appellants invited our attention to para 5 of the said judgment which clearly states that it was a case of single default and in addition it appears to us that the judgment was passed on the facts of that case.

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Thus, we do not find any merit in these appeals. Consequently, the Civil Appeals stand dismissed.

No order as to costs.

.....J
[SHIVARAJ V. PATIL]

.....J.
[B.N.SRIKRISHNA]

NEW DELHI
AUGUST 5, 2004

ITEM NO.104 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 No. 7172 OF 2000

Sardara SinghAppellant (s)

VERSUS

Financial Commissioner, Punjab & Ors.Respondent(s)

With C.A. 7173/2000 (With Office Report)

Date : 5/08/2004 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. Prem Nath Aggarwal, Adv.
Mr. Seeraj Bagga, Adv.

Mrs. Shureshta Bagga, Adv.

For Respondent (s)
Mr. P.N. Puri, Adv.

RR - Ex-Parte

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

The Civil Appeals are dismissed in terms of the signed order.

No order as to costs.

(SUKHBIR PAUL KAUR)(SHELLY SENGUPTA)
COURT MASTER COURT MASTER

(The Signed Order is placed on the file)