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SLP(C)No. 8314 OF 2000

ITEM No.206

Court No. 2

SECTION IVA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.8314/2000

(From the judgement and order dated 14/02/2000 in SA 412/99
of The HIGH COURT OF M.P AT INDORE)

VARDHAMAN

Petitioner (s)

VERSUS

BALKRISHNA & COMPANY

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 13/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. M.L. Lahoty,Adv.
Mr. Paban K. Sharma,Adv.
Mr. Himanshu Shekhar,Adv.

For Respondent (s) Mr. S.V. Deshpande,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....J
Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No.4135 of 2001@@
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(Arising out of S.L.P. (C) No.8314 of 2000)

Vardhaman ...Appellant (s)

Versus~

Balkrishna and CompanyRespondent (s)

O R D E R@@
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Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at this stage by an order setting aside the order under challenge and restoring the second appeal to the file of the High Court to be heard and disposed of on merits.

The High Court dismissed the second appeal summarily stating that it found no substantial question of law involved therein. Our attention has been drawn to the fact that counsel for the appellant had proposed before the High Court the following question:

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"Whether the courts below erred in law in not granting the decree for eviction under Section 12(1)(c) & (F) of the MP Accommodation Control Act, 1961?"

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This is clearly a question of law that requires consideration. It is necessary, therefore, to pass an order in the terms suggested by the notice.

The civil appeal is allowed. The order under appeal is set aside. The second appeal (S.A. No.412 of 1999) is restored to the file of the High Court of Madhya Pradesh (Indore Bench) to be heard and disposed of on merits.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@

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New Delhi,
July 13, 2001.