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SLP(C)No. 12877-12878 OF 2000

ITEM No.204

Court No.11

SECTION XVII

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.12877-12878/2000

(From the judgement and order dated 29/02/2000 in LPA 556/99 with  
LPA 596/99 of The HIGH COURT OF PATNA)

BIHAR STATE AGRICULTURAL MARKETING BOARD

Petitioner (s)

VERSUS

AMRIT VARSHA HINDI DAINIK & ANR.

Respondent (s)

( With Appln(s). for permission to place addl. documents on record  
and exemption from filing O.T. and with prayer for interim relief )  
( For Final Disposal )

Date : 02/11/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Gopal Subramaniam, Sr. Adv.  
Mr. Sunil Roy, Adv.

For Respondent (s) Mr. P.S. Mishra, Sr. Adv.  
Mr. S.B. Upadhyay, Adv.  
Mr. Upendra Mishra, Adv.  
Mr. Surjit Kumar Singh, Adv.

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

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

The appeals are disposed of in terms of the signed  
order.

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Sarita (Radha Rani Bhatia)@@

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Court Master@@

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(Signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7458-7459 OF 2001@@  
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(Arising out of SLP(C)Nos.12877-12878/2000)

BIHAR STATE AGRICULTURAL MARKETING BOARD ...APPELLANT

VERSUS

AMRIT VARSHA HINDI DAINIK & ANR. ...RESPONDENTS

O R D E R@@  
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Leave granted.

Having heard learned counsel for the parties, we are satisfied that the limited question surviving for decision in this appeal is: whether the direction made by the High Court for payment of rent by the respondent No.1 to the appellant at the rate of Rs.5560/- p.m. for the period commencing from 6th August, 1987 and thereafter, should come in the way of adjudication by the competent civil court seized of the civil suit, filed by the appellant against the respondent No.1, claiming recovery of compensation and damages equal to three times the rate of rent for the period of occupation, in accordance with Clause 17 of the Deed of Lease dated 25th August, 1987? In our opinion, this is an issue which should be left to be adjudicated upon by the civil court, before which the civil suit has already been filed by the appellant.

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We make it clear that the direction, and any other observation made, by the High Court in its impugned judgment dated 29th February, 2000 shall not come in the way of civil court deciding the issue as to entitlement of the appellant - Bihar State Agricultural Marketing Board to recover compensation and damages in accordance with Clause 17 of the Deed of Lease, which issue shall be determined by the civil court on the pleadings filed and the evidence adduced before the civil court uninfluenced by the judgment of the High Court in this regard.

Both the parties join in submitting that the civil court may decide the suits, filed by both the parties, expeditiously.

The appeals are disposed of in the terms indicated hereinabove. No costs.

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.....J.  
(R.C. LAHOTI)

New Delhi,  
November 2, 2001.

.....J.  
(K.G. BALAKRISHNAN)