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SLP(C)No. 13863 OF 2001

ITEM No.25

Court No.10

SECTION XI  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13863/2001

(From the judgement and order dated 25/05/2001 in CMWP 21206/01  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HIRDESH KHANDELWAL

Petitioner (s)

VERSUS

ASHOK KUMAR THARD & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 12/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. H.C. Kharbanda, Adv.  
Mr. A.N. Sinha, Adv.  
Mr. P.N. Chaturvedi, Adv.  
Mr. M.P. Shorawala, Adv.

For Respondent (s) Mr. Ramesh Chandra Mishra, Adv.  
Dr. Meera Agarwal, Adv.  
Ms. Swarup Singh, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....  
.SP2

Leave granted.  
Appeal is allowed.

.SP1

Sushma (Radha Rani Bhatia)  
Court Master

Signed order is placed on the file.

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.PL58

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2002@@  
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(Arising out of SLP(C) NO. 13863/2001)

Hirdesh Khandelwal

.... Appellant (s)

versus

Ashok Kumar Thard & Ors.

.... Respondent(s)

O R D E R@@  
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....J.....  
.SP2

Leave granted.

The proceedings under challenge have originated under the U.P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter referred to as 'the Act'). By Order dated 13.1.2001 passed under Section 12 of the Act, the Rent Controller declared the premises vacant. By order dated 22.4.2001, the Rent Controller in exercise of the power conferred by Section 16 of the Act, directed the premises to be released in favour of the landlord. Two petitions were filed in the High Court. As against the order declaring the premises vacant, Civil Misc. Writ Petition No.4517 of 2001 was filed and as against the order releasing the premises Civil Misc. Writ Petition No.21206 of 2001 was filed. While CMWP 4517/2001 was (and is) still pending before a different Bench of the same High Court, however, another

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Bench of the High Court heard and disposed of CMWJ 21206/2001. There were two proceedings pending before the same High Court and it is not disputed that the decision in one is sure to have effect on the decision in the other. We are of the view that in such facts the interest of justice demanded both the petitions should have been heard together and by the same Bench. In view of the impugned decision in CMWP No.21206/2001, the other petition has been rendered infructuous. For this short reason, the appeal is allowed. The impugned order dated 25.5.2001 in CMWP No.21206/2001 is set aside. The petition shall stand restored on the file of the High Court. CMWP No.21206/2001 and CMWP 4517/2001 shall now be placed before one Bench for analogous hearing and disposal.

.SP1

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

New Delhi,  
April 12, 2002

.....J  
(BISHESHWAR PRASAD SINGH)

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