

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10085/2007

(From the judgement and order dated 14/02/2007 in CMOCA No.11258/2007 in CMWP No.35931/2003 and from interim order dated 22/12/2006 in CMWP No.35931/2003 of the HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHEELA GARG & ORS. Petitioner(s)

VERSUS

KALPANA JAIN Respondent(s)

(With office report)

Date: 03/12/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Arvind Varma, Adv.
Mr. T. Mahipal, Adv.

For Respondent(s) Mr. Ansar Ahmad Chaudhary, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Civil Appeal is disposed of in terms of the signed order.

(N. Annapurna)
Court Master

(Madhu Saxena)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of S.L.P.(C) No.10085/2007)

Sheela Garg & Ors. ...Appellants

Versus

Kalpna Jain ...Respondent

ORDER

Leave granted.

In the present matter, suit for eviction has been filed by the landlord claiming eviction on the ground of personal requirement. The writ petition from that suit is pending. Unfortunately, in the pending writ petition, the High Court unilaterally increased the rent from Rs.125/- to Rs.6500/- per month. It further stated that if the higher rent is not paid, then, the order of vacation would follow immediately.

In our view, such orders are not maintainable. We set aside the impugned order. We further direct expeditious hearing and final disposal of the writ petition which is pending before the High Court for a considerable length of time.

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Civil Appeal is, accordingly, disposed of.

.....J.
(S.H. KAPADIA)

.....J.
(J.M. PANCHAL)

New Delhi,
December 03, 2007.