

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(s).11346/2007

(From the judgement and order dated 04/01/2007 in CR No. 364/1997
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S.BHARAT PETROLEUM CORPORATION LTD. Petitioner(s)

VERSUS

RAMAVATI DEVI TR.LRS.& ORS. Respondent(s)

(With appln(s) Under Order XLVII Rule 1&6 of S.C. Rules,1966 and
for exemption from filing O.T. and permission to file counter
affidavit and impleadment/intervention and with prayer for interim
relief and office report) (For Final Disposal)

WITH SLP(C) NO. 18482 of 2008
(With Appln.(s) for c/delay in filing SLP and office report)
(For Final Disposal)

Date: 15/01/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Ajay Kumar Misra, Adv.

Ms. Anuradha Dubey Misra, Adv.
Mr. Bharat Dubey, Adv.
Ms. Tulika Mukherjee, Adv.
Mr. P. Narasimhan, Adv.

Mr. Sudhir Chandra, Sr. Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Parijat Sinha, Adv.

For Respondent(s) Mr. Anand Verma, Sr. Adv.

Mr. Umang Shankar, Adv.
Mr. Ugra Shankar Prasad, Adv.
Mr. P.C. Agarwal, Sr. Adv.
Mr. C.L. Sahu, Adv.
Mr. Sudama Ojha, Adv.
Dr. Maya Rao, Adv.

Mr. Dharmendra Kumar Sinha, Adv. (Not Present)

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

Delay condoned.

Application for permission to file counter
affidavit is allowed. The counter affidavit is taken on
record.

Leave granted in both the petitions.

The appeals stand disposed of in terms of the
signed order. No order as to the costs.

Since, we are not granting any relief to the appellant, applications for impleadment/intervention are rejected.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 391 OF 2010
(Arising out of SLP(C) No. 11346 of 2007)

Bharat Petroleum Corporation Appellant
Ltd.

Versus

Ramavati Devi Thru. LRs. & Ors. Respondents

WITH

CIVIL APPEAL NO. 391 OF 2010(arising out of SLP(C)
18482/2008)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Application for permission to file counter affidavit
is allowed. The counter affidavit is taken on record.

Leave granted in both the petitions.

These appeals are directed against the impugned
judgment and order dated 04.01.2007 of the High Court of
Allahabad. The facts in detail have been set out in the
impugned judgment and hence we are not repeating the same
here.

The appellant is the tenant of the premises in
dispute. The said premises was initially taken on lease as
open land. But, thereafter with the permission of the
landlord-respondent, the tenant-appellant made construction on
the land. The respondents filed a suit for eviction of the
appellant. The appellant is claiming the benefit of Section

29-A(3) of the U.P. Urban Building (Regulation of Letting, Rent and Eviction) Act, 1972 (hereinafter for short 'the Act') in the pending suit for eviction.

It appears that a misconceived application claiming benefit of Section 29-A(5) of the Act was filed in the suit by the appellant. A bare perusal of Section 29-A(5) of the Act shows that such an application can only be filed before the District Magistrate. In our opinion, the mention of Section 29-A(5) by the appellant in its application was wholly misconceived and irrelevant. Hence, we uphold the impugned judgment and order and dispose of these appeals with a direction that it is open for the appellant-tenant to claim the benefit of Section 29-A(3) of the Act in the pending suit. However, it is for the court concerned to decide whether the appellant is entitled to the benefit of Section 29-A(3) or not. We make it clear that we have not expressed any opinion on the merits of the case and direct that the hearing of suit shall be expedited.

Since, we are not granting any relief to the appellant, applications for impleadment/intervention are rejected.

Appeals disposed of. No order as to the costs.
.....J.
(MARKANDEY KATJU)

.....J.
(R.M. LODHA)

NEW DELHI;
JANUARY 15, 2010