

CASE NO.:  
Appeal (civil) 3325 of 2002

PETITIONER:  
SULTAN MOHIYUDDIN AND ORS.

RESPONDENT:  
BASHEER AHMED SHARIFF AND ORS.

DATE OF JUDGMENT: 03/05/2002

BENCH:  
R.C. LAHOTI & BISHESHWAR PRASAD SINGH

JUDGMENT:  
JUDGMENT

2002 (3) SCR 795

The following Order of the Court was delivered : Leave granted.

The proceedings for eviction were initiated under Section 21(1)(h) and (p) of the Karnataka Rent Control Act, 1961. The landlord, having lost from the High Court, has filed this appeal by special leave under Article 136 of the Constitution.

During the pendency of these proceedings, Karnataka Rent Act, 1999 has come into force with effect from 31.12.2001. According to the counter filed in this Court by the tenant-respondent, the area of the suit premises let out for non-residential purpose exceeds 14 square metres and, therefore, the premises are exempt from the provisions of the 1999 Act. It is the plea of the tenant-respondent that Karnataka Rent Act, 1999 being not applicable to the suit premises by virtue of the provisions contained in Section 2(3)(g), the proceedings shall stand abated under Section 70(2)(c) of the 1999 Act. The dimension of the premises, its being non-residential and the applicability of the relevant provisions of the 1999 Act referred to hereinabove is not disputed by the learned counsel for the landlord-appellant. The proceedings, therefore, stand abated. Nothing survives for adjudication on merits. The appeal be treated as disposed of.