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SLP(C)No. 19978 OF 2001
ITEM No.29

Court No. 9

SECTION IVA
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.19978/2001

(From the judgement and order dated 31/07/2001 in RP 562/00
of The HIGH COURT OF KARNATAKA AT BANGALORE)

SULTAAN MOHIYUDDIN & ORS. Petitioner (s)

VERSUS

BASHEER AHMED SHARIFF & ORS. Respondent (s)

Date : 03/05/2002 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. Naresh Kaushik,Adv.
Mr. N.K. Roy,Adv.
Ms. Shilpa Chohan,Adv.
Mr. Rajesh Singh,Adv.
Mrs. Lalita Kaushik,Adv.

For Respondent (s) Mr. K.H. Nobin Singh,Adv.
Mr. S.K. Kulkarni,Adv.
Mr. M. Gireesh Kumar,Adv.
Mr. Ankur S. Kulkarni,Adv.

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

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.SP2

Learned counsel for the parties addressed the Court
for about ten minutes.

Leave granted.

The appeal is disposed of in terms of the signed
order.

Reportable.

.SP1

(Neena Verma)
Court Master

(Radha Rani Bhatia)
Court Master

Signed Reportable order is placed on the file.

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3325 OF 2002@@
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(@ Special Leave Petition (C) No.19978/2001)

Sultaan Mohiyuddin & Ors. Appellants

Versus

Basheer Ahmed Shariff & Ors. Respondents

O R D E R@@
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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 ...2/-

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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.

.SP1

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

.....J.
(BISHESHWAR PRASAD SINGH)

New Delhi,
May 03, 2002.