

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.18965-18966/2000

(From the judgement and order dated 28/07/2000 in WP(RC) 19/99 and dated 29.8.2000 in RP 195(W) of 2000 of The HIGH COURT OF ALLAHABAD AT LUCKNOW)

PRADEEP KUMAR BANSAL

Petitioner (s)

VERSUS

GAYA PRASAD

Respondent (s)

( With Appln(s). for permission to place addl. documents on record and exemption from filing O.T. )  
( For Final Disposal )

Date : 07/02/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)

Mr. S. Muralidhar,Adv.

For Respondent (s)

Mr. Shakil Ahmed Syed,Adv.

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

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

The principal question to be decided in this case pertains to the date of construction of the suit premises or date of actual occupation. The trial court proceeded on the basis of an admission allegedly made on behalf of the petitioner at the stage of argument but not made during the course of his evidence and on that basis held that the construction was within 10 years of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972  
.....2/-

: 2 :

(the Act). The revisional court disagreed with that finding but the High Court has agreed with the trial court. We notice under the Act, Section 2(2) provides for a deemed date of completion, notice of which has not been taken by the courts below. In the normal course, we would have remitted the matter back to trial court for fresh disposal but in the interest of justice we think it appropriate to settle this matter in this Court itself, hence, we frame the following

issue to be decided by the trial court and the finding to be sent to this Court for further disposal of this matter :

.SP1

.....L.....T.....T.....T.....T.....T.....T.....J.....

"What is the date of construction or actual occupation of the suit schedule premises for the purpose of application of the provisions of Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972."

.SP2

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

The Court of Judge Small Causes, Lucknow will after giving the parties an opportunity of adducing additional evidence and hearing the parties record its finding on the above issue bearing in mind the provisions of the Act and forward the said finding to this Court within three months from the date of receipt of the records. The original records will be sent to the said court forthwith by the Registry.

List this matter for further hearing after the finding is received.

.SP1

(Pawan Kumar)  
Court Master

(Prem Prakash)  
Court Master