

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.18986-18987/1999

(From the judgement and order dated 25/08/1999 in CM 413/95 &
459/95 in CR 307/85 of The HIGH COURT OF DELHI AT N. DELHI)

MITHAN LAL

Petitioner (s)

VERSUS

NIHAL CHAND

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 17/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE D.P. MOHAPATRA

For Petitioner (s) Mr. Mohd. Tahir Siddiqui,Adv.

For Respondent (s) Mr. K.C. Kalra,Adv.
Mr. R.C. Verma,Adv.
Mr. Vivek Vishnoi,Adv.

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

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Leave granted.

The civil appeals are allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(S.Sen Gupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Mithan Lal ...Appellant (s)

Versus~

Nihal ChandRespondent (s)

O R D E R@@
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Leave granted.

The appellant is the tenant. He was the respondent in an eviction petition filed by the respondent-landlord. The eviction petition was dismissed by the lower authority. Thereagainst, the landlord preferred a revision petition before the High Court. When the revision petition came up for hearing, neither the landlord nor the tenant was represented. The High Court, however, went into the merits and allowed the revision petition. Thereagainst, the tenant filed an application for recall. The High Court found no merit in the application for recall and dismissed it.

What is now under challenge by the tenant by special leave is the order allowing the landlord's revision petition

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and the order rejecting the tenant's application to recall the order on the revision petition. We think that, having regard to the circumstances in which the High Court allowed the landlord's revision petition, it is in the interests of justice that the orders on the revision petition and on the application to recall should be set aside and the revision petition restored to the file of the High Court to be heard and disposed of on merits.

The civil appeals are allowed. The order on the revision petition is set aside as also the order on the application to recall. The application to recall is allowed. The High Court shall now hear the revision petition afresh.

The order of status quo passed by this court shall operate until the disposal of the revision petition.

No order as to costs.

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.....J.
(S.P. Bharucha)

.....J.
(D.P. Mohapatra)

New Delhi,
November 17, 2000.