

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).21090/2011

(From the judgement and order dated 27/04/2011 in CRP No.860/2011 of The HIGH COURT OF A.P AT HYDERABAD)

M/S HOTEL PARKLANE(P) LTD.

Petitioner(s)

VERSUS

BEENA BAI GUPTA & ORS.

Respondent(s)

(With appln(s) for impleadment,permission to file additional documents and office report)
[FOR FINAL DISPOSAL]

Date: 26/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. P.V.Shetty,Sr. Adv.
Mr. D. Mahesh Babu,Adv.
Mr. Vijay Kumar Paradesi, Adv.
Ms. Suchitra Hrangkhawl, Adv.

For Respondent(s)

Ms. Anitha Shenoy,Adv.
Ms. Sunita Rani Singh, Adv.
Mr. C.S.N. Mohan Rao ,Adv

UPON hearing counsel the Court made the following

O R D E R

On 12.8.2011, this Court, while issuing notice observed as follows:

"The petitioner in this special leave petition challenges an order passed by the High Court that confirms the order of the trial court by which the trial court set aside the ex-parte decree of eviction passed against the respondent-defendant after condoning the delay of 150 days in making the petition. The grievance of the petitioner is that even before the petition was filed for setting aside the decree, it was executed and the respondent-tenant was evicted and a new tenant was inducted into the suit premises."

2. An interlocutory application has been made by D. Praveen Kumar for his impleadment as party respondent in the Special Leave Petition in which it is stated that after eviction of the respondents, he has been inducted in the shop premises. He has stated that by a registered Lease Deed dated 29.1.2011, he has taken the subject premises on lease on a monthly rent of Rs. 40,000/- and he has been carrying on the business in the name of M/s. Praveen Enterprises.

3. At the beginning of the arguments, having regard to the peculiar facts, we indicated that even if it was assumed that the order of the trial court in condoning the delay in making application for setting-aside the ex-parte decree was justified and the High

Court did not commit any error in affirming that order but now since the new tenant has been inducted in the subject premises and also the fact that respondent Nos. 1 and 2 are protected tenants, interest of justice would be sub-served if the landlord compensates the said respondents by paying a sum of Rs. 10 lakhs. As a matter of fact, we gave few minutes to the advocate-on-record for the respondent Nos. 1 and 2 to seek instructions on telephone.

4. Insofar as the petitioner was concerned, Mr. P.V Shetty, learned senior counsel for the petitioner, after seeking instructions from Ms. B. Praveena, submitted that the petitioner was prepared to compensate respondent Nos. 1 and 2 by paying Rs. 5 lakhs only. However, Ms. Anita Shenoy, learned counsel for the respondent Nos. 1 and 2 submitted that she has not been able to contact the respondents and they may not be prepared for that. We, accordingly, proceeded with hearing of the matter.

5. After hearing Mr. P.V. Shetty, learned senior counsel for the petitioner when we found that there was no merit in the special leave petition, learned senior counsel, after seeking instructions from Ms. B. Praveena submitted that the petitioner would pay a sum of Rs. 10 lakhs by way of compensation to the respondent Nos. 1 and 2.

6. Let the advocate-on-record for the petitioner come ready with a demand draft of Rs. 10 lakhs in the name of respondent No. 2 - Abhishek Gupta on 29.8.2013. We shall consider the matter further on that date.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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