

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2690 OF 2016

ARATI MISHRA

..... APPELLANT(S)

VERSUS

ALLAHABAD BANK & ORS.

.....RESPONDENT(S)

O R D E R

I.A. No. 882/2022 seeking amendment of cause title is allowed.
Cause Title be amended accordingly.

The present appeal is directed against the judgment and order of the Division Bench of the High Court of Orissa dated 19th May, 2010.

The appellant/plaintiff filed a suit seeking decree of eviction and payment of arrears & damages in reference to the suit property. The learned trial Judge on the basis of pleadings of the parties framed eight issues, of which a reference has been made in paragraph '2' of the judgment impugned. Final decree was passed by the learned trial Judge by a judgment dated 10th August, 2006 which was the subject matter of challenge in Regular First Appeal before the High Court filed under Section 96 of the Code of Civil Procedure.

The High Court, after reappraisal of the evidence on record and taking into consideration the submissions made by the parties

and after assigning cogent reasons, declined to grant damages, at the same time, directed the respondent Bank to pay rent at the enhanced rate in terms of Exhibit-10 to be calculated from 1st September, 2002 until handing over the physical possession of the suit property to the appellant/plaintiff under its impugned judgment dated 19th May, 2010.

It is not disputed that in terms of Exhibit-10, arrears of rent were calculated from 1st September, 2002 and it was paid until the date of handing over of physical possession (i.e. 31st August, 2011) at the rate of Rs.65,400/- per month.

Learned Counsel for the appellant submits that after termination of the lease agreement in the year 2001, the possession of the respondent-bank was illegal and that makes the appellant entitled to claim damages apart from the arrears of rent which was paid until possession was handed over by the respondent-bank and that being the reason, the trial Court and so also the High Court committed a manifest error in declining to award damages to which the appellant is entitled for under the law.

We have heard the learned Counsel for the parties and with their assistance have gone through the record and also the judgment impugned before us.

In our considered view, the High Court has assigned cogent reasons dis-entitling the appellant in claiming damages and so far as the arrear of rent is concerned, that indisputedly in terms of the judgment impugned has been made over in due course of time.

We find no reasons to interfere with the order impugned dated
19th May, 2010

Consequently, the appeal fails and is dismissed.

Pending application(s), if any, shall stand disposed of.

.....J
(AJAY RASTOGI)

.....J
(BELA M. TRIVEDI)

NEW DELHI;
APRIL 07, 2022.

ITEM NO.104

COURT NO.13

SECTION XI-A

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

CIVIL APPEAL NO(S). 2690/2016

ARATI MISHRA

APPELLANT(S)

VERSUS

ALLAHABAD BANK & ORS.

RESPONDENT(S)

(IA No. 882/2022 - AMENDMENT IN CAUSE TITLE)

Date : 07-04-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s) Mr. Sunil Kumar Jain, AOR
Ms. Rashika Swarup, Adv.
Mr. Shashanka Shekhar Patra, Adv.

For Respondent(s) Mr. Ashok Kumar Jain, Adv.
Mr. Pankaj Jain, Adv.
Mr. Amit Kasera, Adv.
Ms. Meenakshi Jain, Adv.
Mr. Bijoy Kumar Jain, AOR

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

I.A. No. 882/2022 seeking amendment of cause title is allowed.
Cause title be amended accordingly.

Appeal stands dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

(Signed order is placed on the file.)