

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7437 OF 2009

HINDUSTAN FERTILISERS CORP.LTD.

.....APPELLANT

VERSUS

PATHIKA RANI PAL & ANR.

.....RESPONDENTS

O R D E R

The appellant has impugned, through the instant civil appeal, an order dated 01.10.2007 passed by a Division Bench of the High Court at Calcutta (hereinafter, referred to as 'the High Court'), in exercise of its civil appellate jurisdiction. By the above order, the High Court directed, that the deceased husband of the respondent, who was an employee of the appellant-Corporation, would be entitled to claim rent, for the flat allotted to him, only till the date of his retirement i.e., only till 02.04.1992.

It is not a matter of dispute that the deceased husband of the respondent was an employee of the appellant-Corporation. He was assigned the flat in question. He died on 03.09.1992. His wife has been impleaded in his place as his legal representative. The flat in question consequent upon a decision taken by the Housing Board in 1998, was eventually allotted to the respondent.

What needs to be noticed is, that the High Court vide the impugned order dated 01.10.2007 expressly directed, that the

erstwhile employees of the Corporation to whom flats were allotted, would be entitled to rent in lieu of the same till the date of their retirement. Therefore, the deceased husband of the respondent was entitled to rent, till the date of his retirement i.e., till 02.04.1992. The High Court also clarified, that in the event the Corporation having deposited the rent for the above-mentioned flat, beyond the date of the allottee's retirement, i.e. beyond 02.04.1992, the same could be recovered by the Corporation, from the employee or his legal representative.

In the above view of the matter, we find no justification whatsoever to entertain the instant civil appeal, or to adjudicate, the limited legal issues arising out of, in the determination of the present controversy.

While disposing of the instant appeal, the legal issue (s) arising (if at all) is/are kept open.

.....J.
(JAGDISH SINGH KHEHAR)

.....J.
(S.A. BOBDE)

NEW DELHI;
MARCH 18, 2015.

ITEM NO.116

COURT NO.4

SECTION XVI

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 SCivil Appeal No(s).7437/2009

HINDUSTAN FERTILISERS CORP.LTD.

Appellant(s)

VERSUS

PATHIKA RANI PAL & ANR.

Respondent(s)

(With interim relief and office report)

Date : 18/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s) Mr. Partha Sil, Adv.
Mr.Tavisn B.Prasad, Adv.

For Respondent(s) Ms. Rukhsana Choudhury, Adv.

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

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

(SATISH KUMAR YADAV)
COURT MASTER(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)