

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2381 OF 2009
(Arising out of SLP(C) No. 8329 of 2008)

Mahabir Prasad Jalan & Anr.Appellant

Versus

Satish DeoraRespondent

WITH

CIVIL APPEAL NO.2382 OF 2009
(Arising out of SLP(C) No. 19209 of 2008)

Mahabir Prasad Jalan & Anr.Appellant

Versus

Satish DeoraRespondent

ORDER

Leave granted in both these special leave petitions.

- 2) Appellant's application filed before the trial court in T.S. No. 23 of 2001, for issuance of a direction to the defendant therein, is rejected by the trial court and the same is confirmed by the High Court by dismissing the Revisional Application C.O. No. 3410 of 2007 dated 1.10.2007.

- 3) The appellant by filing application under Section 151 of C.P.C. in T.S. No. 23 of 2001, had sought for a direction to the defendant in the Civil Suit to pay rent/compensation at the enhanced rate.

- 4) At the time of hearing of this appeal, Shri S.N. Mukherjee, the learned Senior Counsel appearing for the respondent herein, on instructions; very fairly submits that the respondent herein would pay an amount of Rs.31,656.04 and Rs. 38, 961.08 in both these appeals, respectively, commencing from 5th of April, 2009, subject to the result of the Civil Suit pending before the trial court between the parties.

- 5) Shri Vijay Hansaria, learned Senior Counsel appearing for the appellant, has no objection to the suggestion made by learned

Senior Counsel for the respondent.

6) In view of the above, it may not be necessary for us to go into the issues raised by the parties in this appeal. Accordingly, we dispose of the appeals, by directing the respondent herein to pay an amount of Rs. 31,656.04 and Rs. 38, 961.08 by way of rent/compensation for the two premises in their occupation during the pendency of the Civil Suit commencing from 5th of April, 2009, and also subject to the result of the suit/s. Appeals are disposed of.

7) We place on record our deep appreciation to the efforts made by the learned Senior Counsel Shri S.N. Mukherjee in amicably settling the matter.

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

New Delhi,
April 13, 2009.

ITEM NO.1-B COURT NO.6 SECTION XVI
[FOR ORDERS]

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

C.A. No.2381/2009
@ Petition(s) for Special Leave to Appeal (Civil) No(s).8329/2008
(From the judgement and order dated 01/10/2007 in CO No.
3410/2007 of The HIGH COURT OF CALCUTTA)

MAHABIR PRASAD JALAN & ANR. Appellants/Petitioners

VERSUS

SATISH DEORA Respondent(s)

WITH
C.A. No.2382/2009 @ SLP(C) NO. 19209 of 2008

Date: 13/04/2009 This matter was called on for orders today.

For Petitioner(s) Mr. G.S. Chatterjee,Adv.

For Respondent(s) M/S. Khaitan & Co.,Adv.

Hon'ble Mr. Justice H.L. Dattu pronounced non-reportable order of the Bench comprising of Hon'ble Mr. Justice Tarun Chatterjee and His Lordship.

Leave granted.

The appeals are disposed of in terms of non-reportable signed order placed on the file.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Non-Reportable Order is placed on the file)