

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.7194-7195 OF 2008
(Arising out of S.L.P.(C) Nos.28465-28466/2008)

E.U. Siddiqui

...Appellant(s)

Versus

Parvez Zafar Sarkar

...Respondent(s)

ORDER

Leave granted.

Tenant has filed these appeals challenging para 19 of the impugned order of the High Court, dated 21st August, 2008. In the present case, the tenant was sought to be evicted on the ground of arrears of rent. There is a concurrent finding that the tenant has deposited the arrears of rent on the first date of hearing. This finding is not under challenge in the appeals. What is challenged in these appeals is that in the eviction proceedings, the High Court has increased the rent from Rs.500/- to Rs.6,000/- with retrospective effect. It is the case of the tenant that increase in rent was never in issue before the High Court. It is the case of the tenant that there is no basis for increase in the rent. We find merit in these contentions. In the circumstances, para 19 of the impugned order of the High Court is set aside.

..2/-

We are informed that the landlord has also filed a special leave petition. That petition is not on Board before us. It appears that the landlord has challenged the order of the High Court which stands in favour of the tenant herein. We express no opinion on that ground.

Subject to above, Civil Appeals stand allowed with no order as to costs.

**.....J.
(S.H. KAPADIA)**

**.....J.
(B. SUDERSHAN REDDY)**

**New Delhi,
December 08, 2008.**

**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 (C) Nos.28465-28466/2008

(From the judgement and order dated 21/08/2008 and 16/10/2008 in WP No.33/2007 of the HIGH COURT OF JUDICATURE AT ALLAHABAD AT LUCKNOW)

E.U.SIDDIQUI

Petitioner(s)

VERSUS

PARVEZ ZAFAR SARKAR

Respondent(s)

(With appln(s) for exemption from filing O.T., permission to place addl. documents on record and prayer for interim relief and office report)

Date: 08/12/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. Shail Kumar Dwivedi,Adv.

Ms. Vandana Mishra, Adv.

For Respondent(s) Mr. Jayant Kumar Mehta,Adv.

Mr. Mukesh Kumar, Adv.

Mr. Sandeep Phogat, Adv.

Mr. Arjun Har Kohli, Adv.

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

Leave granted.

**Appeals are allowed, with no order as to costs, in terms of the signed
order.**

**(N. ANNAPURNA)
COURT MASTER**

**(VIJAY DHAWAN)
COURT MASTER**

(Signed order is placed on the file)