

PETITIONER:  
R. VARADARAJAN

Vs.

RESPONDENT:  
THIRUMANGAI NAIDU & ORS.

DATE OF JUDGMENT: 05/05/1997

BENCH:  
K. RAMASWAMY, D. P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:  
Present:

Hon'able Mr. Justice K. Ramaswamy  
Hon'able Mr. Justice D.P. Wadhwa

M.N. Padmanabhan, Sr. Adv., Ms. Puja Anand and Ms. Revathy Raghavan, Advs. with him for the appellant  
Harish Salve, Sr. Adv. and A.V. Rangam, Adv. with him for the Respondents.

#### O R D E R

The following order of the Court was delivered:

Leave granted. We have heard learned counsel on both sides.

Notice on the limited question of compensation to the respondents in respect of the building in question, was issued on August 6, 1996, on the premise that the appellant himself was in possession of the building. In the counter-affidavit filed by the respondents, it is stated that the appellant has let out the building to one Jasmine Electricals on a monthly rent of Rs.1000/- and that they have been in possession and enjoyment of there premises. In the rejoinder, it is admitted by the appellant in paragraph 8 which reads as under :

"It is true that I had let out to one Jasmine Electricals, but that is only from 1993 and not earlier. It is totally incorrect to state that I have been realising the rental income from the property since 1968."

The admission thereby that he has let out the premises gets proved. One Mohd. Rafeeq filed O.S. No. 6/97 in the Court of the District Munsif of Cuddalore for injunction against the owner. Therein, he stated that he entered into an agreement of lease on March 11, 1987. Further fresh deed was executed on April 30, 1990. He claimed injunction on the basis of the directions issued by this Court. Thus it could be seen that the appellant has suppressed these material facts before getting the notice issued. Notice is accordingly withdrawn.

The appeal is dismissed with costs quantified at Rs., 5,000/- payable by the appellant to the Supreme court Legal

Services Committee within 30 days from today. In case he does not pay the costs, the Supreme Court Legal Service Committee is at liberty to have this order executed as a decree.

JUDIS