

CASE NO.:
Appeal (civil) 425 of 2008

PETITIONER:
Jagdish Saran

RESPONDENT:
Prashant Kumar Dublish

DATE OF JUDGMENT: 15/01/2008

BENCH:
Tarun Chatterjee & Dalveer Bhandari

JUDGMENT:
JUDGMENT

O R D E R
in
IA No. 2 in CIVIL APPEAL NO. 425 OF 2008
(Arising out of S.L.P.) No.10995 of 2007)

1. Leave granted.
2. This appeal is directed against the impugned interim order dated 26th of February, 2007 passed by the High Court of Judicature at Allahabad in CMWP No.70990 of 2006 by which a learned Judge of the High Court at the admission stage of the writ petition has directed the appellant to pay to the respondent Rs.2000/- per month in place of agreed rent of Rs.100/- per month.
3. Having heard the learned counsel for the parties and after going through the materials on record and without considering the fact whether the High Court was justified in increasing the amount payable by the appellant to the respondent from Rs.100/- to Rs.2000/- per month during the pendency of the writ petition before it and we feel that it will be fit and proper, instead of Rs.2000/-, directions may be made to pay Rs.1000/- per month.
4. We also make it clear that in the event the appellant fails to deposit the amount directed by us for two consecutive months, the interim order granted by the High Court and modified by us by this order shall stand automatically vacated.
5. Let the writ petition itself be decided at an early date preferably within six months from the date of communication of this order.
6. The appeal is thus allowed to the extent indicated above.
7. In view of the order passed in C.A.No.425/2008 @ out of S.L.P.) No.10995/2007, I.A.No.2 is also disposed of.