

CASE NO.:
Appeal (civil) 5163 of 2007

PETITIONER:
Martin & Harris Pvt. Ltd. & Anr

RESPONDENT:
Rajendra Mehta and Ors

DATE OF JUDGMENT: 12/11/2007

BENCH:
S.H. Kapadia & B. Sudershan Reddy

JUDGMENT:
JUDGMENT

O R D E R
CIVIL APPEAL NO. 5163 OF 2007
(Arising out of SLP(C) No. 9775/2007)

Leave granted.

A short question which arises for determination in this civil appeal instituted by the appellants-tenants is whether the Additional District and Sessions Judge was justified in fixing provisional rent at Rs. 1 lac per month from Rs. 500/- per month fixed in the earlier round of litigation by the Civil Judge (Jr. Div.).

Having heard learned counsel for both sides, since the impugned order is an interim order in civil suit No. 61/2002 pending before A.D.J. No. 6, Jaipur, this appeal stands disposed of in terms of the following order:

(i) Pending the hearing and final disposal of civil suit No. 61/2002, the appellants-tenants shall pay to its landlord (respondent herein), without prejudice to its rights and contentions, ad hoc rent @ Rs. 60,000/- per month. The said rent shall be paid on or before tenth of each month commencing from the month of December, 2007. The said rent is fixed without prejudice to the rights and contentions of the parties in the above pending civil suit No. 61/2002. At the interim stage, this Court had called for valuation report. Both sides submitted valuation reports. Taking into account the contents of the valuation reports and the location of the premises, we have fixed the ad hoc rent at Rs. 60,000/- per month, pending the hearing and final disposal of the said civil suit No. 61/2002. It would be open to the civil court to examine the evidence and refix the provisional rent in accordance with law. The rent fixed by us at Rs. 60,000/- shall prevail only pending the hearing and final disposal of the civil suit.

(ii) In the said civil suit No. 61/2002, an application was made by the appellants-tenants under Order XIV Rule 5 CPC. The said application shall also be decided by the civil court in accordance with law.

(iii) Since the disputes are pending for last several years we direct the civil court to expeditiously hear and dispose of the said civil suit No. 61/2002, preferably within nine months from today. It is made clear that the parties shall not seek adjournment.

Accordingly, the impugned order passed by the High Court shall stand modified to the extent hereinabove mentioned. The civil court shall decide the said civil suit No. 61/2002 expeditiously and uninfluenced by the observations made by the High Court in the impugned judgment.

Civil appeal is accordingly disposed of with no order as to costs.

JUDIS