

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6147 OF 2008
(Arising out of S.L.P. (C) No.6594 of 2006)

Jhanjhi Ram

...Appellant(s)

Versus

Kamla Rani

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The suit filed by Jhanjhi Ram [husband of the respondent] for eviction of the tenant [appellant herein] was decreed by the Trial Court after striking out the latter's defence. Revision filed against the decree of eviction was dismissed by the learned District Judge. However, writ petition filed by the appellant was allowed by the High Court and the order of eviction was set aside on the ground that the Trial Court was not justified in striking out the defence of the appellant. While doing so, the High Court enhanced the contractual rent from Rs.42/- per month to Rs.84/- per month for a period of five years commencing from 1983 with similar enhancement for the subsequent blocks of five years each. In our view, this exercise could have been done by

....2/-

by the District Magistrate alone under the provisions of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 [for short, “the Act”] and the High Court committed a jurisdictional error by enhancing the rate of rent.

For the reason stated above, the appeal is allowed and that portion of the impugned order whereby rate of rent has been enhanced from Rs.42/- per month is set aside.

Needless to say that this order shall not preclude the landlord in case she is so advised to take recourse to the provisions of the Act by filing an appropriate application before the District Magistrate.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
October 17, 2008.